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*Mr. Butler.*

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HISTORICAL MEMOIRS  
RESPECTING THE  
ENGLISH, IRISH, AND SCOTTISH  
CATHOLICS,

FROM THE REFORMATION,

TO

THE PRESENT TIME.

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BY CHARLES BUTLER, Esq.  
OF LINCOLN'S-INN.

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—— Errat longè, meâ quidem sententiâ,  
Qui imperium credit gravius esse aut stabilius  
Vi quod fit, quam illud, quod amicitia adjungitur;  
TERENCE.

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ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΙ.

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HISTORICAL MEMOIRS  
OF THE  
ENGLISH, IRISH AND SCOTISH  
CATHOLICS  
FROM THE REFORMATION

Quare quis tandem me reprehendat, si quantum cæteris ad festos dios ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis: quantum alii tempestivis conviviis, quantum aleæ, quantum pilæ, tantum mihi egomet, ad hæc studia recollenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

D'AGUESSEAU.



JOHN MURRAY, ALBEMARLE STREET, LONDON.

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Luke Hansard & Sons, near Lincoln's-Inn Fields, London.

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TO  
THE MOST NOBLE  
BERNARD EDWARD

DUKE OF NORFOLK;  
HEREDITARY EARL MARESCHAL OF ENGLAND;

&c. &c. &c.

THIS WORK,

IS,

WITH THE PERMISSION OF HIS GRACE,

MOST RESPECTFULLY DEDICATED,

*BY THE AUTHOR.*





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\* The author states in page 110, that the most ancient English translation of the Bible is that of Wicliffe,—This is a mistake: “The hole Byble was long before Wycliffe’s days, by virtuous and well learned men translated into the English tong; and by good and godly people, with devotion and soberness, wel and reverently red.” Sir Thomas Moore, “Dial. iii. c. 14. In the preface to Wicliffe’s Bible by Lewis, mention is made of two English translations of part of the Bible still existing in ms. and anterior to Wycliffe’s.

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# HISTORICAL MEMOIRS

OF THE

## ENGLISH CATHOLICS,

&c.

SINCE THE

REFORMATION.

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### CHAP. I.

SOME GENERAL REMARKS ON THE STATE OF  
LEARNING, AND RELIGION, DURING THE  
MIDDLE AGES.

**T**HAT some ignorance and superstition existed, in every part of Christian Europe, when the reformation began, must be admitted. But there is more ground, than is usually supposed, for believing, I. That neither ignorance, II. nor superstition, prevailed in it at any time, to the extent, which has been generally imagined; III. And that a much earlier period, than is usually assigned, ought to be affixed to the revival of learning.

## I. 1.

*Probable exaggeration of the Ignorance of the Middle Ages.*

IF any person were required to mention the time, in which, during the middle ages, the arts, and sciences, were at their lowest ebb in Europe, he would, probably, fix on the period, which elapsed between the death of Charlemagne, and the accession of the Capetian dynasty. Now, an excellent dissertation by the *abbé le Bœuf*, on the state of the sciences in the Gauls, from the death of Charlemagne, till the reign of Robert king of France \*, seems to establish, by very strong proofs, that, during the whole of this period, both sacred, and profane literature, the civil and canon law, and the sciences of arithmetic, astronomy, geography, music and medicine, were extensively cultivated. It is true, that many instances of gross and risible ignorance may be produced : but, at a time, when there was so little intercourse, either between countries, or individuals, it would easily happen, that learning might exist, where ignorance was not distant. Even, in the present state of society, when roads and posts have rendered every kind of intercourse so easy, a single family, cultivating, in a provincial town, the elegant arts, with distinction, will make it a seat of polite literature; and give its inhabitants a general taste for learning, which no

\* Recueil des divers Ecrits pour servir d'eclaircissement a l'Histoire de France, 2 vols. Paris, 1738.

neighbouring place will possess. How much more frequently, must something of this nature have taken place, when communication of every kind was so difficult! In such times, it might often happen, that the arts would abound in one monastery, or in one town; and be altogether neglected in the adjacent.—This seems to shew satisfactorily, that, when we peruse the histories of the times, to which we are alluding, we should not hastily conclude, from particular instances of ignorance in some places, that a considerable portion of learning did not exist, in others.

Another argument against such a conclusion may, perhaps, be drawn from the state of architecture, and its ornamental appendages, throughout this period. No intellectual eye can behold our antient cathedrals, without being struck with the sublime science and learned labour, which their construction must have required. Our ablest architects confess their ignorance of the means, by which several of their elevated parts were raised, or continue to be supported. To these, we must add the works of gold, silver and bronze, with which, in a less or greater degree, all of them abounded. When we survey these splendid exertions of art and science; and then consider the share of knowledge which they pre-suppose and imply, it is impossible to deny to the ages, which produced them, a high degree of cultivation; and, when we consider their number, it is equally impossible to imagine, that the knowledge, which raised or ornamented them, was not extensively disseminated.

## I. 2.

*Probable exaggeration of the Superstition of the Middle Ages.*

THE history of the English church, during this period, may be divided into three eras ;—the first, from the introduction of christianity, till the invasion of the Danes ;—the second, from that invasion, till the Norman conquest ;—the third, from the Norman conquest, till the reformation.

1. Except in the accounts, which have been given of the lives, and manners, of the first christians, the religion of the gospel has never appeared more amiable, than in the account of the *early Saxon era of Christianity*. “ St. Augustine, and “ his companions,” says Mr. Fletcher, in his sermon on the holiness of the catholic church\*, “ preached, and acted, as once did the first envoys “ of Jesus Christ.—They gained proselytes by the “ eloquence of truth, assisted by the eloquence of “ meekness, humility, and piety ; verifying, in the “ whole series of conduct, that pleasing sentence “ of the prophet, ‘ How beautiful on the hills, are “ the footsteps of those, who bring glad tidings.’ “ Neither were the exertions of their charity, unat- “ tended by the approbation of heaven. Not only “ contemporary historians attest, but several pro- “ testant writers allow, that God rewarded them “ with the gift of miracles.” “ Their kings,”

\* Sermons on various religious and moral subjects, for all the Sundays after Pentecost, and illustrations, vol. ii. p. 1.



says the martyrologist Fox, “considered the honest conversation of their lives, and was moved by the miracles wrought, through God’s hand, by them \*.” After noticing the difficulties, which St. Augustine, and his companions encountered, Fox observes, that;—“Notwithstanding their seeming impossibilities, they were followed with surprising success. The sanctity of their lives, and the force of their miracles, broke through the difficulties of the enterprise.”—“The fruits, and effects, of their mission were striking. A people, hitherto savage, barbarous, and immoral, was changed into a nation, mild, benevolent, humane, and holy.”—“Every thing,” says Collier, “brightened as if nature had been melted down, and re-coined.” That the preacher, and the flock, deserved this character, most readers will allow, who have perused, “*The Antiquities of the Anglo-Saxon church, by the reverend John Lingard,*” in one volume 8vo.

2. Such was the happy state of religion, and of manners, *at the invasion of the Danes.* Those ferocious invaders spread devastation over England, and laid waste almost its whole territory. A necessary consequence of this calamity, was, that the pastor, and the flock, were often separated; and that, if they did meet again, it generally was not until after a considerable lapse of time. Meanwhile, every form of instruction, either civil, or religious,

\* Acts and Monuments, Coll. 2. Collier’s Preface to his Ecclesiastical History.



was interrupted; and the interruption, naturally, gave rise to error, and superstition.

3. The same scenes must have been renewed, during the convulsions, which followed *the Norman conquest*; particularly during the period between the death of the conqueror, and the accession of the first Henry; and in the long years of havock, consumed in the contests between the houses of York and Lancaster. That, in these times, some superstition should prevail, is not surprising. But, it bore no proportion, to the true spirit of religion, with which the nation still continued to abound. What gospel truth did not the ministers of the church then inculcate?—What disorder did they not then condemn?—What crime did they not then reprobate?—What excess did they not then censure?—What passion did they not then endeavour to restrain? They taught every virtue; they encouraged every perfection. In no age, has love of God; or charity for man, been more warmly recommended. But, did no superstition, then, exist? Unhappily it did.—But surely, where there was so much instruction, superstition could not predominate.

### I. 3.

*Probable revival of Learning, at an earlier period than is usually supposed.*

THE reflections, which have been suggested, may, perhaps, incline the reader to think, that, in the times, of which we are speaking, there was less

ignorance, and superstition, than is generally represented. It may be added, that there are grounds to suspect, that the dispersion of these was earlier ; and that sound learning, and science, began to revive in Europe, sooner than is generally imagined.

We shall shortly state some facts, which may be thought to prove this assertion, as applied to the eleventh, twelfth, and thirteenth centuries, particularly in respect to the state of literature in England, during these periods.

1. So early as the *eleventh century*, the arts and sciences flourished, under the protection of the Mahometan princes of Persia, Baghdad, Africa, and Spain. In all these countries, the studies of medicine, astronomy, and dialectics, were cultivated with success, and the works of Aristotle, and of some other authors, were translated from the Grecian language, into the Arabic. Something, too, of learning, and science, remained at Constantinople, and in the adjacent provinces. By degrees, they attracted the attention, first of the Italians, and afterwards of the northern states of Europe ; and many inquisitive spirits, in quest of learning, travelled from them to the Greeks of the eastern empire ; or to the Arabians in Baghdad, Spain, or Africa, and returned, with considerable literary spoil. Of these, Gerbert, who afterwards became Pope, under the name of Silvester the second, deserves particular mention. A thirst of knowledge had led him to Cordova. In that celebrated seat of Moorish literature, he acquired an extensive knowledge of mathematics, and astronomy. On

his return to France, he attracted the notice of Adalberon, archbishop of Rheims ; and, under his auspices, opened a school in that city. Hugh Capet, and several of the principal nobility of France, sent their children to it, for education. “ France,” says M. de St. Marc \*, “ owes to him her taste “ for true literature. He was not satisfied with “ advancing it by his public lectures, and occasional publications. By an extensive epistolary “ correspondence, he communicated his discoveries to many, both in France, and in other “ states ; and strove to kindle in them his own “ literary ardour. At a great expense, he collected a large library of antient, and modern, “ books ; caused numerous copies of them to be “ made, and distributed them wherever he thought “ they might be useful.” It is probable, that he first introduced into Europe the Arabic system of notation,—perhaps the most useful of modern discoveries, in science. It is observable, that in the preceding century, Campanus, a mathematician of Lombardy, had translated into Latin the elements and data of Euclid : the former was printed at Venice in 1482, the latter at Basle in 1546.

2. *The twelfth century*, presents a visible increase of literary ardour. Mr. Berington, in his learned, and interesting *History of Abeillard and Heloisa*, speaking of these times, observes†, that

\* Abrégé Chronologique de l'Histoire d'Italie, vol. ii. p. 933.

† Page 10.

“ The schools, as we know, from the histories of  
 “ the age, were not only filled with students, as  
 “ at present ; but, men in years, persons of dis-  
 “ tinction, fathers of families, and ministers of  
 “ state, after the toils of the day were over, crowded  
 “ to them, as to a theatre of amusement.” The  
 same writer adds\*, that, “ when Abeillard taught,  
 “ in the Convent of St. Denys, more than 3,000  
 “ scholars, are said by some authors, to have at-  
 “ tended his lectures. When he left this convent,  
 “ and retired to the convent of Nogent in Cham-  
 “ pagne, the lovers of science pursued, and dis-  
 “ covered him ;” and, “ before the end of the  
 “ first year, exceeded six hundred. Situated in a  
 “ forest, exposed to the inclement seasons, with-  
 “ out a single convenience to smoothe the rugged  
 “ life, or without one amusement, except what  
 “ literary pursuits, scientific conversation, and their  
 “ own society could supply ;—in Abeillard, they  
 “ saw the divine Plato ; in themselves, that illus-  
 “ trious group of disciples, which had given renown  
 “ to the academic walks of Athens†.” We may  
 lament, that the instruction, given them, was not  
 more elegant, more sublime, or more useful : But,  
 the thirst of knowledge, the mental activity of the  
 scholars, it is impossible to deny. Ignorant, it  
 would be injustice to call them. “ In the twelfth  
 “ century,” says Dom Rivet †, “ men of letters were  
 “ almost infinitely multiplied ; a prodigious num-

\* Page 127.

† Page 123.

‡ Histoire Litteraire de France, vol. ix.—(Etat des Lettres en France dans le cours du douzième Siecle.)



“ber of writings on every subject, and sometimes  
“ of a very interesting nature, appeared.”

3. *In the thirteenth century*, the rays of science were brighter, and more generally diffused. The formation of the *Italian republics* raised, in every part of that ample territory, a spirit of mental energy, which equally discovered itself in commerce, and the polite arts. Many edifices, of the most exquisite gothic architecture, were raised. Cimabue, the father of the modern school of painting, adorned them with the efforts of his art; Brunelleschi revived, at Florence, the forms of antient architecture; and Dante produced the *Divina Comedia*.

In the *Netherlands*, the elegant arts equally flourished. No one, who has seen the long line of magnificent towns in Belgium, can have surveyed the many public edifices of exquisite and costly architecture, and the numberless works in marble, gold, silver, iron and bronze, which decorate them,—without admiration. Many of these may be traced to the period, of which we are speaking.

In the same period, *France* discovered equal mental ardour. The church of Notre-Dame, at Paris; the façades of the churches, of Rheims, and Notre-Dame, at Rouen, and the cathedrals of Amiens and Strasbourg shew, that in the architecture of the times, France did not yield the palm to Italy. The number of her schools, and the multitudes, by whom they were frequented, make it evident, that she possessed an equal taste for general literature. Libraries began now to be formed. The



foundations of the Bibliothèque Royale, at Paris, were laid at this time ; and Robert, (called of Sorbonne, from a village of that name in the diocese of Rheims, in which he was born), founded the university of the Sorbonne ;—collecting, moreover, for the use of its members, an extensive library. In 1289, it consisted of upwards of a thousand volumes—which were then valued, at 3,812 livres, 10 sous, and 8 deniers—(about 3,000 *l.* sterling, according to the present value of money.)

The literary spirit of the times was increased by the discovery, in 1137, of a complete copy of the Pandects of Justinian, at Amalfi. The wisdom, and the justice, of the laws, expressed in these, were immediately felt ; and the study of them was pursued, with a kind of enthusiasm. They were introduced into several universities : Exercises were performed, lectures read, degrees conferred, in this, as in other branches of science : and most of the nations on the continent adopted the Pandects, if not as the basis, at least, as an important portion of their jurisprudence.

4. If we compare *the state of letters in England*, with that of foreign countries, at this period, England will not suffer by the comparison. During a great part of this interval, the throne was filled by Henry the second, the most powerful monarch in Europe. Beside England, and Ireland, he was master, in right of his father, of his mother, and of his wife,—and by the annexation of Brittany to his other states,—of more than a third part of the provinces, which then composed

the French monarchy. He possessed great abilities ; and inherited from his father, a taste for literature, and the arts. “ When he could enjoy leisure,” says Mr. Hume, “ he recreated himself, “ either in conversation, or in reading ; and he “ cultivated his natural abilities by study, above “ any prince of his time.” Throughout his reign, England made great advances in learning, and in the polite arts ; and, if we were required to name the golden age of the literature of the middle ages, we could not assign any era, better deserving this appellation than the reign of this monarch. It was distinguished by its improvements in architecture ; particularly by an universal increase of dimension, the sharp pointed arch, resting on the slender column, and the leafy moulding. These Mr. Miller \* mentions among the characteristics of the Norman style of architecture. He supposes it to have flourished, from the Norman conquest to the reign of John. At the close of his account of it, he says ;—“ Let us not quit this topic, without “ paying a due tribute of admiration to the liberality, and magnificence, of those, whose mighty “ works we have been endeavouring to characterise. “ Almost all the cathedrals in England, and Wales ; “ a prodigious number of splendid monasteries, and “ parish churches, in every part of the kingdom, “ were erected by them, in little more than one “ century.” Considering the concomitant learning, which architectural eminence pre-supposes, it

\* Description of the Cathedral Church of Ely, p. 27.

is impossible, that this should have been a century of ignorance.

One of the most valuable monuments of the literature of the middle ages,—the letters of St. Thomas of Canterbury, and of his correspondents,—belongs to this reign.—The writers express themselves with a conscious elevation of rank, and character, with sense, and with spirit ; and discover an extensive knowledge of sacred, and profane, literature. Their frequent allusions to the classics, shew their acquaintance with these precious remains of antiquity. It is surprising, that it did not lead them to a purer style. The same may be said of many of the historians of these times. Sir Henry Saville preferred William of Malmesbury to all other historians, with whom he was acquainted, both for judiciousness, and fidelity. Bishop Warburton speaks in terms, equally high, of Matthew Paris.

But, the wonder of the thirteenth century is Roger Bacon. It is a disgrace to his countrymen, that neither a complete collection of his works ; nor a full and able account of his life, and literary labours, have yet appeared. He first studied, at Oxford ; thence, removed to Paris ; and took the degree of doctor in that university. “ After his “ return to Oxford,” says Mr. Chalmers, in his *General Biographical Dictionary*, “ he was considered, by the greatest men in that university, “ as one of the ablest, and most indefatigable inquirers after knowledge that the world ever produced ; and, therefore, they not only shewed

“ him all due respect ; but likewise, conceiving the  
“ greatest hopes from his improvements in the  
“ method of study, they generally contributed to  
“ his expenses ; so that he was enabled to lay out,  
“ within the compass of two years, no less than  
“ 2,000 *l.* (an immense sum for those times),—  
“ in collecting curious authors ; making trials of  
“ various kinds ; and in the construction of dif-  
“ ferent instruments, for the improvement of useful  
“ knowledge.” He was master of the Latin, Greek, and Hebrew languages ; deeply versed in all branches of mathematics ; in the sciences of optics, geography, astronomy, and chemistry. The composition, and effects, of gunpowder, were probably discovered by him. He certainly made great discoveries in chemistry. He had enemies : but, he had many powerful friends, and he was patronised by every pope of his time.—The patronage, which he received from his countrymen, has been mentioned. A nation, in which there was so much science on one side, and so much patronage of science on the other, could not have been generally unlearned. It must be added, that, while Roger Bacon was employed in the manner we have mentioned, John Holywood, or Johannes de Sacrobosco, as he is sometimes called,—(for whose birth Nithisdale, Yorkshire, Durham, and Dublin, contend),—was considerably extending the boundaries of science. He acquired from the Moors in Spain, and communicated both to England and France, the system of circulating decimals,—the uttermost limit of pure arithmetic.



In fact,—so far, at the time of which we are speaking, had the spirit of literary ardour proceeded, and so widely was it circulated, that, in every southern, and several northern states of Europe, there was an irresistible tendency to a new and better order of things. For a time, the religious controversies, which then began to disturb the world, rather retarded than accelerated, the march of science, and the general improvement of the human mind.

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## CHAP. II.

### THE PRELIMINARIES OF THE REFORMATION.

THE diffusion of learning, and the mental activity, which it occasioned, paved the way for the reformation. That there was much ignorance, and many superstitious practices, in the catholic churches;—that there was much dissoluteness in the lower, and much luxury in the higher ranks, of the clergy;—that the pretensions of the ecclesiastical body in general, and particularly the claims of the see of Rome, were exorbitant, every well-informed and candid catholic may allow.—They are described in the strongest colours, by Bossuet, in the first pages of *his Variations*.—They had never been unobserved by the wise or the good. The increase of information, and the new spirit of inquiry, which it produced, now made them every day, more and more



felt; and the discussions, at the councils of Constance, and Basil, forcibly called the attention of the public to them.

The chapter,—perhaps the most interesting in his works,—in which Mr. Gibbon gives an account of the Paulicians, shews, that there had long existed, in a numerous portion of christians, an anxious wish to simplify both the religious creed, and the religious observances of the times; and several protestant writers have laboured to prove, that they would have been satisfied with a moderate reform. A different opinion is, however, maintained by Mosheim.—“Before the reformation,” to use his own words\*, “there lay concealed, in almost every  
“part of Europe, particularly in Bohemia, Moravia,  
“Switzerland and Germany, many persons, who  
“adhered tenaciously to the following doctrines,  
“which the Waldenses, Wickliffites, and Hussites,  
“had maintained; some, in a disguised, and  
“others, in a more open and public manner:—  
“That the kingdom of Christ was an assembly of  
“true, and real saints; and ought, therefore, to  
“be inaccessible to the wicked, and unrighteous;  
“and also exempt from all those institutious, which  
“human prudence suggests, to oppose the progress  
“of iniquity, or to correct and reform transgressions.” From these principles, they inferred, that, “all things ought to be in common among  
“the faithful; that, taking interest for the loan of  
“money; tythes, and tribute, ought to be entirely

\* Cent. xvi. c. 3. § 2. 5.

“abolished; that, in the kingdom of Christ, civil  
 “magistrates were absolutely useless; and that  
 “God still continued to reveal his will to chosen  
 “persons.”

Some writers have gone farther; and have pretended, that, among the maintainers of these opinions, something of the jacobinical doctrines of liberty and equality, is discoverable. It must, no doubt, be admitted, that the celebrated distich of the English Lollards,—

“When Adam delv’d, and Eva span,  
 “Where was then the gentleman?”—

has something of a jacobinical sound.

It may be added, that the principle was, not only avowed, but carried into practice, by the Jacquerie, in France. This, no one, who has read the *Conjuration d’Etienne Marcel contre l’autorité royal par Monsieur Maudet*, (1 vol. 8vo. Paris, 1815), a very curious, and interesting work,—will be disposed to controvert.

Whatever may have been the principles of the persons, to whom we have just alluded, it is at least certain, that they produced a considerable degree of ferment. “The minds of men,” says cardinal Julian, in a letter to Pope Eugenius the fourth, “are big with expectation of what measures  
 “will be taken; and are ripe for something tragical.  
 “I see the axe is at the root: the tree begins to  
 “bend: and instead of propping it, whilst we may,  
 “we hasten its fall.” The whole of this letter,—a copious extract from which is given by Bossuet, in the first pages of his *Variations*,—is inserted in the

works of Æneas Sylvius, afterwards pope, under the name of Pius the second. It is a remarkable monument of political foresight, and deserves the perusal of the reader.\*

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### CHAP. III.

#### HENRY THE EIGHTH.

#### COMMENCEMENT OF THE REFORMATION.

1517.

WHILST the general spirit of the public was in the state, we have described, a circumstance took place, which immediately led to the reformation.—Pope Leo the tenth published a General Indulgence, and employed several persons to preach and distribute it, among the faithful.

The charge of doing this, in the electorate of Saxony, he committed to Albert, archbishop of Mentz and Magdeburgh. This prelate employed on the occasion, John Tetzel, a dominican friar, ignorant, and insolent; but possessing no small

\* The *Commentaire du Chevalier Folard sur Polybe*, published in 1727, contains the following prediction, equally remarkable, of the French Revolution:—"A conspiracy is actually forming in Europe, by means at once so subtle and efficacious, that I am sorry not to have come into the world 30 years later, to witness its result. It must be confessed, that the Sovereigns of Europe wear very bad spectacles. The proofs of it are mathematical, if there ever such proofs were, of a conspiracy."

share of popular eloquence. The terms, in which he described the indulgences, and announced their effects, excited general disgust.

The celebrated Martin Luther was, at this time, professor of theology, in the university of Wittemberg, on the Elbe. He had taken the degree of doctor; and possessed great reputation, and authority. In the most explicit, and bold language, he harangued, in the great church, both against the indulgences; and against the manner, in which they were dispensed. In September, 1517, he published ninety-five propositions, expressing his sentiments respecting them. These were universally read; and produced the greatest sensation. The notions, which they conveyed, and the consequences, to which they evidently led, alarmed the see of Rome. Some attempts were made to silence, and pacify Luther. Tetzel was condemned; and, soon afterwards, loaded with general detestation, died of grief and despair. Miltitz, a Saxon knight, a person of learning, prudence and address, was then employed by Leo the tenth to confer with Luther. The conferences seem to have been conducted in a manner, which promised an amicable settlement. But, before they came to a conclusion, Leo the tenth issued a bull, dated the 25th June, 1520. In this memorable document, he solemnly condemned forty-one propositions, extracted from the writings of Luther; ordered his writings to be burnt; and summoned him, under pain of excommunication, to retract his errors, within sixty days. The sixty days expired without any retractation; and it was generally un-



derstood, that the Pope was proceeding to issue a formal sentence of excommunication. To anticipate it, the reformer, on the 19th of December, 1520, caused a pile of wood to be erected, without the walls of the city of Wittemberg ; and there, in the presence of an immense multitude of people, of all ranks and orders, committed to the flames, both the bull, which had been published against him ; and those parts of the decretals and canons, which particularly related to the Pope's jurisdiction. By this proceeding, Luther formally withdrew himself from the communion of the see of Rome. On the 6th of the following month of January, the Pope issued a second bull ; pronouncing Luther an obstinate heretic ; and excommunicating him. Some time afterwards, in the execution of the bull, he appointed Luther's books to be burnt, at Rome. Luther by way of retaliation, assembled all the professors, and students, of the university of Wittemberg, caused a fire to be lighted, and cast the bull of excommunication into the flames.

He proceeded to attack other doctrines, and practices of the church of Rome. Justification, and the efficacy of the sacraments, were the first objects of his hostility. " The justification of a sinner," to use his own language, " was the principle and source, " from which all his doctrines flowed." So great, in his opinion, was the importance of this article of faith, that he thought himself warranted in asserting, that, " whilst the doctrine upon it was pure, " there would be no reason to fear, either schism, " or division ; but that, if the true doctrine of jus-



“ tification were once altered, it would be impossible  
 “ to oppose error ; or stop the progress of fanati-  
 “ cism \*.”

In the *Historical and literary account of the formularies, confessions of faith, or symbolic books, of the Roman-catholic, Greek, and principal Protestant churches*, written by the author of these pages, the reader will find a very accurate statement, drawn up by father Scheffmaker, a jesuit of Strasbourg, of the difference between the Roman-catholic, and the Lutheran churches, concerning this important article.

With respect to the sacraments, the Catholic church believes them to be seven,—baptism, confirmation, penance, the eucharist, holy orders, extreme unction, and matrimony. Luther confined them to two, baptism, and the eucharist. In opposition to the catholic doctrine of transubstantiation, he contended, that in the sacramental elements, the bread and wine, and the body and blood of Christ, existed together. When the language of the epistle of St. James, was opposed to his doctrine, on the subject of justification, he absolutely denied its authenticity.

This short account of the principal religious tenets, in which the Lutheran differs from the Catholic church, was necessary ; and will suffice, for the object of the present pages.

\* *Lutheri Opéra*, ed. Jenæ, 1561, tom. 6, p. 13; tom. 3, p. 189.

## CHAP. IV.

HENRY THE EIGHTH RECEIVES FROM THE POPE  
THE TITLE OF DEFENDER OF THE FAITH.

1521.

AT this time, the throne of England was filled by Henry the eighth. He was zealously attached to the roman-catholic faith; and the theological opinions of Luther no sooner found their way into his dominions, than they were marked by his indignation. He had been originally designed for the church; and, on that account, had received an early tincture of scholastic erudition. He particularly venerated the writings of St. Thomas of Aquin. Most historians observe, that his dislike of Luther was much increased by the contemptuous terms, in which the reformer spoke of that voluminous father. The monarch had also a taste for classical learning; and was a warm admirer of pure latinity. He loved the conversation of literary men. He was often the subject of their adulation; and to him, many of them dedicated their works. "Learning," says Erasmus, "would triumph, if we had such a prince at home, as England has. The king is not unlearned; and has a sharp wit. He openly protects literature; and imposes silence upon brawlers." It is not, therefore, to be wondered

at, that the spirit of authorship should fall upon the monarch ; or that he should chuse, for his subject, a theological theme. Cardinal Wolsey, bishop Fisher, and others, are said to have assisted him, in the composition of this work. It was written in Latin, and intitled, *Assertio septum Sacramentorum adversus Lutherum* ;—which may be translated, *The defence of the Seven Sacraments against Luther*. It is particularly opposed to Luther's treatise, *De Captivitate Babylonicâ*. It is dedicated to pope Leo the tenth ; and treats, under separate heads, of the eucharist, penance, satisfaction, confirmation, matrimony, holy orders, and extreme unction. It is written with order, and perspicuity ; and with such force of argument, that Mr. Collier\*, says that “ the king had the better of “ the controversy ; and was, generally speaking, “ the sounder divine ;—superior to his adversary “ in the vigour and propriety of his style, the “ force of his reasoning, and learning of his quotations.”—He adds, that “ his manner was not “ altogether unexceptionable ; and that he leant “ too much on his character ; argued in his garter- “ robes ; and wrote, as 'twere, with his sceptre.” It is observable, that the terms, in which Henry expressed himself, respecting the supremacy of the pope, were stronger than sir Thomas More thought it prudent for him to use.—“ I moved the king's “ highness,” says sir Thomas, in his letter to Cromwell, “ either to leave out that point ; or else

\* Ecclesiastical History, vol. ii. page 17.

“ to touch it more slenderly ; for doubt of some  
 “ things, as might hap to fall in question, between  
 “ his highness, and some pope ; as between princes,  
 “ and popes, diverse times, have done ; whereunto  
 “ his highness answered me, that ‘ he would, in no  
 “ wise, minish in that matter.’ ”

His majesty sent, by Dr. Clarke, dean of Windsor, his ambassador at Rome, a copy of his work, sumptuously bound, to pope Leo the tenth. At a solemn assembly of cardinals, the ambassador, after a set speech, delivered it into the hands of his holiness. The pope received it most graciously ; expressed himself in high terms of praise, of the zeal, and learning, of the royal author ; and caused the copy to be deposited, with great ceremony, in the Vatican. By a bull, dated the following October, he conferred on the king the title of “ Defender of the Faith ;” and “ ordered all the faithful  
 “ in Christ, in their verbal and written addresses  
 “ to the monarch, to add, after the word ‘ king,’  
 “ the words ‘ Defender of the Faith.’ ” With this honour his majesty was extremely gratified.

But, neither the arguments, nor the rank of his royal adversary, nor the title conferred upon him by the pope, dismayed Luther. He published a reply, replete with arrogance, and the foulest abuse. Some of his expressions we insert, in the words of the text : for, an English reader would not endure a translation of them.—*Hoc agit inquietus Satan, ut nos a scripturis avocet, per sceleratos Henricos, et sacrilegos Thomistas. Hæc sunt robora nostra, adversus quæ obmutescere coguntur Henrici,*



*Thomistæ, Papistæ, et quidquid est fæcis, sentinæ, et latrinæ, impiorum, et sacrilegorum ejusmodi. Indulgendum esset, si humano more erraret; nunc, quum prudens, et sciens, mendacia componat adversus mei regis majestatem in cælis, damnabilis putredo est, et vermes, jus mihi erit, pro meo rege, majestatem Anglicanam, luto et stercore conspergere; et coronam istam, blasphemiam in Christum, pedibus conculcare.*

At a subsequent period, Luther apologised to the king, for the style of his letter. He seems, by his apology, to discover, that he had then some hopes of the monarch's favouring the reformation. But he expresses himself, in severe language, concerning the pope, and cardinal Wolsey; and the reader will think, he was a bad politician, in those parts of his letter, in which he intimates, that his majesty was not the real author of his work. This, certainly, was touching the king in a very tender part.

The king returned an answer. But it was not, in general, written in those terms, which were calculated to please Luther. Henry imputes the troubles of Germany to the reformer's writings; and exhorts him to retire from the world; to quit his engagements with the nun, whom he had married; and to spend the remainder of his life, in discipline and penance. In reply to that part of Luther's work, in which he intimates, that his majesty's work was written by others, the royal author says, "And although ye fayne yourselfe to thynke my booke not my owne, but, to my rebuke, (as it lyketh you to affyrme), put on by subtell sophisters; yet, it is



“ well knowne for myne, and I, for myne, avouch  
 “ it.” The style of Henry’s answer provoked  
 Luther exceedingly. He declared, he would throw  
 away no more civilities upon him.

It remains to observe, on the subject of this controversy, that, in 1523, Fisher, bishop of Rochester, entered the lists, by a work against Luther, intituled  
 “ *Assertionis Lutheranae Confutatio.*” Henry was extremely pleased with it; and by letters patent, conferred on the prelate, the exclusive right of printing it, during the course of three years.

The first edition of the work of Henry the eighth is in particular request. It is intituled “ *Assertio  
 “ septem sacramentorum aduersus Martin. Lu-  
 “ therū &c. Apud inclytam urbem Londinum in  
 “ ædibus Pynsonianis. An. M.D. XXI. quarto Idus  
 “ Julij. Cum privilegio a rege indulto.*” Quarto. The earl Spencer possesses a magnificent copy of it, upon vellum, splendidly illuminated.—A collection, containing, 1st. The speech of Dr. Clarke, when he delivered the work to the pope; 2dly. The answer of the pope; 3dly. The bull of the pope, confirming the work; 4thly. A summary of the indulgences, granted to the readers of it; 5thly. The royal book, *libellus regius*; and 6thly, The letter of the king to the dukes of Saxony,—was printed by Pynson, in the same year; and reprinted, with a preface, at Strasburgh, by Erasmus, in the following year. The letter of Henry the eighth to Luther was printed by Pynson, both in English, and Latin. This account of the editions of these works is taken from *Mr. Dibdin’s Typo-*

*graphical Antiquities*.\* The fullest account of the proceedings at Rome, respecting the work of Henry, is to be found in *Cardinal Pallavicini's History of the Council of Trent*. An elaborate discussion of the whole transaction is to be found in *Disputatio circularis de titulo defensoris Fidei*,—a *Joh. Christophero Majero Cuzelsavia—Franco—Altdorfii*, 1706.

Henry's work is still preserved in the Vatican library. The following verses are subjoined to it; and the monarch's name is written under them, with his own hand.

*Anglorum rex Henricus, Leo Maxime, mittit  
Hoc opus, et fidei testem, et amicitiae.*

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## CHAP. V.

### THE DIVORCE OF HENRY THE EIGHTH FROM QUEEN KATHARINE.

1533.

THE subject of these pages, neither requires, nor admits of, more, than I. A short mention of the transactions, which attended this interesting event : II. Some observations on the lawfulness of the marriage of Henry the eighth with queen Katharine : III. Some account of the sentence, pronounced by Clement the seventh, for its validity: IV. And

\* Vol. ii. pp. 484 *et seq.*

of the act of parliament, ratifying the divorce ; and establishing the marriage of Henry with Anne Boleyn.

# V. 1.

## *Principal events in the history of the Divorce of Henry the eighth.*

MARRIAGE, with the widow of a deceased brother, is prohibited, in Leviticus xviii. 6. The same prohibition is repeated, in chapter xx. 16 ; with a denunciation, that such marriage should be unfruitful. This denunciation imported, not that God would miraculously prevent the parents from having offspring ; but, that the children should not be entitled to the rights of heirship : So that, in a civil sense, the parents would be childless. This was the general rule : Moses excepted from it, the case, where the deceased brother left no child, Deut. xxv. 9. Here the legislator not only permits, but commands, as a civil duty, the next brother to marry the widow.

Henry was in this situation. On the 14th of November, 1501, Katharine, the daughter of Ferdinand, king of Spain, was married to prince Arthur, the eldest son of Henry the seventh. The prince died, in the following April. Soon after his decease, it was agreed, by both parents, that Katharine should be espoused to prince Henry. Her previous marriage was a canonical impediment ; as, under the Christian dispensation, marriages, within the degrees prohibited by Leviticus, were unlawful ; and the exception of the case, where the deceased

brother had died childless, was not admitted. The canonical impediment was, however, removed by a bull of dispensation from Julius the second, dated the 26th of December, 1503. Soon after it was obtained, the contract was signed: but, for some reason or other, when prince Henry arrived at a sufficient age, it was annulled. Henry the seventh died, on the 7th day of April, 1509. He was succeeded by his son, Henry the eighth. The marriage between him and Katharine, was, with the full consent of both parties and the advice of the council of state, solemnized, on the third of the following June. The queen had several miscarriages; as also some children, who were born alive, but, died, almost immediately; and one daughter, Mary, who lived to inherit the crown. The king seems, for the first time, to have expressed scruples respecting the lawfulness of the marriage, about the year 1527. The pope's commission, authorising cardinal Wolsey, in conjunction with the archbishop of Canterbury, or any other bishop, to examine, juridically, the validity of the marriage and the dispensations, on which it was founded, is dated, the 13th of April, 1528. On the 15th of July, the following year, the pope annulled, by his bull, the power of the commissioners; and evoked the cause to Rome. On the 23d of May, 1533, Cranmer, then archbishop of Canterbury, declared the marriage null. On the 14th day of the following November, Henry publicly married Anne Boleyn. One child, Elizabeth, afterwards queen of England, was the issue of this marriage. On the 23d of May, 1534, the pope



pronounced the marriage between Henry and Katharine to be valid. On the 6th day of January, 1536, Katharine died.

## V. 2.

### *Observations on the lawfulness of the Marriage of Henry the eighth with queen Katharine.*

THE circumstance of the lawfulness, according to the Christian dispensation, of the marriage between Henry and Katharine,—considering it as the abstract question of a marriage between a brother and his brother's widow,—was certainly attended with considerable difficulties. The unlawfulness of such a marriage, by the injunctions in the Levitical law, admitted of no doubt. But, were these injunctions of the Levitical law adopted into the Christian code? If they were,—then, besides being a rule of the Christian œconomy, were they also a rule of the natural law? If so,—could they admit of dispensation? On each of these points, opinions were divided. It is certain, that doubts had been entertained of the lawfulness of the marriage, before Henry's scruples had provoked the discussion: this is evident from several circumstances: 1. Henry the seventh caused prince Henry, as soon as he came of age, to enter a protest against it; 2. And, on his death-bed, charged the prince not to make the alliance. 3. At the council, held upon it, after the death of Henry the seventh, some members, particularly Warham, the archbishop of Canterbury;



declared, at first, against it. 4. When the espousal of the princess Mary, the daughter of Henry, with Charles the fifth, was proposed to the states of Castile, they objected to it, the doubts, which were entertained of the validity of Henry's marriage with Katharine. 5. When the negotiations were opened with France, for betrothing the princess Mary to Francis the first, or the duke of Orleans, the bishop of Tarbe, the French ambassador, made the same objection. 6. And although the unlawful practices, which were used in order to prevail, both on communities and on individuals, to pronounce in favour of the invalidity of the marriage, detract greatly from their weight,—yet, it must be admitted, that several, who objected to it, were men of worth, and learning. The better opinion, however, appears to have been favourable to the marriage.

The generality of those, who pronounced for its validity, grounded their opinion upon the supposition, that the marriage between prince Arthur and Katharine had not been consummated. At the hearing of the cause, evidence was adduced to prove the consummation. But the assertion of Katharine before the king, and the legates, at the hearing of the cause,—that her virgin honour was unstained, when the monarch received her to his bed; her solemn, and affecting, appeal to Henry himself for the truth of her declaration; and his not denying it,—added to her high character, and exemplary conduct, through life,—to which the monarch himself bore repeated testimony,—leave, in the

writer's opinion, no doubt of the truth of her allegations.

Those, who wish to examine the detail of this important event in English history, should, besides the authors usually consulted, peruse "*Le Grand's Histoire du Divorce de Henry VIII, roy d'Angleterre et de Catharine d'Arragon, avec la Defense de Sanderus; La Refutation des deux premieres Livres de l'Histoire de la Reformation de M. Burnet: Et les Preuves. Paris, 3 vol. 8vo. 1688.*"

### V. 3.

*Sentence pronounced by Clement the seventh for the validity of the Marriage with Henry the eighth with Katharine.*

It has been mentioned, that, on the 15th July, 1529, Clement the seventh, who then filled the papal chair, evoked the cause of the divorce to Rome. At the end of five years, the cause appeared to verge to a conclusion. The pope, at the earnest solicitation of Francis the first, then gave his solemn assurance, that, if Henry would send a proxy to Rome, and submit his cause to the holy see, he would appoint commissioners to meet at Cambray, and pronounce a final sentence. Bellay, bishop of Paris, was sent by Francis to the English monarch, to apprise him of this circumstance, and to exhort him to submission. The prelate reached London, in the beginning of December; and about the beginning of the following February, arrived at Rome, with such an answer, as Francis had suggested.

But the answer was verbal ; and the pope required a written agreement, to the same purport, signed by Henry himself ; promising that, on its receipt, the proceeding, which was required, should take place. Messengers were accordingly sent ; and a day was appointed for their return. Every thing then seemed to prognosticate an amicable conclusion. Rainié, the French agent at Rome, was persuaded, that Henry would gain his cause ; and expressed himself to this effect, in a dispatch to the grand-master, Montmorency. But the courier, who carried the king's written promise, was detained beyond the day appointed ; and, in the mean time, such intelligence had been brought to Rome, as induced the pope to believe, that no courier was to be expected. Upon this, a consistory was assembled ; and the pope pronounced sentence ;—declaring, that the marriage of Henry with Katharine was valid ; and that the former should incur excommunication, in case he should refuse to adhere to it.—This memorable sentence was pronounced, on the 23d of March, 1534.

From the letters of the bishops of Paris, and Mascou, cited by le Grand, (*vol. 1. p. 274*), it appears, that, immediately after the first intelligence of the sentence, those prelates waited upon his holiness, and remonstrated against it ; that they found him much concerned at the step, which, he said, he had been obliged to take ; and that he assured them, that in opposition to the advice of many cardinals, he had suspended the signification of the sentence, until the ensuing Easter. It must be added, that, if the courier brought with him any

written document from England, the contents of it were never known. On the other hand,—if we take into consideration, that, during the whole of this stage of the business, the king persisted in his offensive measures; and even enacted several laws, destructive of papal authority, we shall find no reason to believe, that the pope, although he had conducted himself with ever so great moderation and temper, would have prevented a final rupture. It is probable, that, at this time, Henry considered the pope's decision, as a matter of great indifference.

## V. 4.

*Act of Parliament ratifying the Divorce, and confirming the king's marriage with Anne Boleyn.*

IN a former part of these pages, it has been mentioned, that Cranmer pronounced the marriage of the king with Katharine, to have been invalid; and that, soon after the passing of this sentence, his marriage with Anne Boleyn was solemnised. By an act of the 25th of the monarch's reign, the archbishop's sentence was ratified; and the marriage with Anne Boleyn, confirmed. The crown was limited to the issue of this marriage; and, in default of such issue, to the king's right heirs. An oath was enjoined, in favour of this order of succession, under the penalty of imprisonment, during the king's pleasure. It is observable, that this act excluded the princess, Mary, from the crown; this seems to have been contrary to the monarch's avowed intentions, when he first applied for the sentence of divorce.



## CHAP. VI.

INTRODUCTION TO THE HISTORY OF THE KING'S ASSUMPTION OF THE TITLE OF SUPREME HEAD OF THE CHURCH OF ENGLAND :—GIVING A SHORT HISTORICAL MINUTE OF THE PAPAL ENCROACHMENTS ON THE SOVEREIGN, AND CHURCH OF ENGLAND ; AND OF THE RESISTANCE TO THEM.

WE come now to consider the most important part of the reign of Henry ; his assumption of the title of head of the church of England. To present the reader with a view of this interesting event, some account of the previous encroachments of the popes, on the rights of the sovereign, and church of England ; and of the resistance of each, is necessary. An attempt will, therefore be made, in this chapter, to give a succinct statement,—I. Of the success, and subsequent decline, of the pretensions of the popes to temporal power : II. Of their occasional abuse of their spiritual power : III. Of the resistance of the sovereigns of England to the former : IV. And of the legislative acts of the parliament of England against the latter.

## VI. 1.

*First success, and subsequent decline, of the claim of the Popes to Temporal Power.*

THE successive rise of the pope from a proprietor of houses and farms, first to the magistracy, and



afterwards to the sovereignty, of the city of Rome, and several adjacent provinces ; and the progress of his claim to universal temporal dominion, are shortly stated by the writer, in his “ *Succinct History of the Geographical and Political Revolutions of Germany, or the principal states, which composed the empire of Charlemagne, from his coronation in 800, to its dissolution in 1806 ; with some account of the genealogies of the imperial house of Hapsburgh, and the six secular electors of Germany, and of Roman, German, French and English nobility.*”

The beginning of the 14th century, may be assigned, as the era of the highest elevation of the temporal power of the popes :—since, about this time, their territorial possessions had their largest extent ; they had made their greatest progress in exempting the clergy from the civil power ; and they experienced the slightest resistance, to their general claim of a divine right to dominion. Thus, at this period, they had attained their highest elevation.—Its decline may be dated from the year 1309 ; when the policy of the French king prevailed on the pope to remove to Avignon. During seventy years, that city continued the metropolis of Christendom. This exasperated the Italians, to the highest degree : they lost their personal affection for the pope ; called his residence at Avignon, the captivity of Babylon ; and filled Europe with invectives against him.

This was followed by an event, still more detrimental to the popes. Gregory the eleventh quitted

Avignon, and established his residence at Rome. He died, in 1378. The Italian cardinals chose a pope; he assumed the name of Urban the sixth; and also fixed his seat at Rome. The French cardinals likewise chose a pope. He assumed the name of Clement the seventh; and fixed his seat at Avignon. Christendom was divided between the two popes; and the schism lasted, from 1378 to 1417: it then ended by the elevation of Martin the fifth. Throughout the period of this schism, there were two, and sometimes three rival popes; dividing the christian world by their quarrels, and scandalizing it by their mutual recriminations.

But, nothing contributed so much to the decline of the temporal power of the popes, as the discussions, which took place at the councils of Constance, Basil, and Pisa; and the writings of several men of learning, particularly of the Parisian school, who then began to discuss the papal pretensions to temporal power, with wisdom, temper and erudition.

A rougher attack was made upon them by the Albigenses, Wickliffites, and Lollards; and by some other sectaries of the fourteenth and fifteenth, centuries. It must, however, be admitted, on the one hand, that these maintained some doctrines, irreconcilable with those of the gospel, and subversive of civil government;—so that it may be considered a matter of some surprise, that the protestant churches should be so anxious to prove their descent from them;—and, on the other, that they brought charges against the temporal usurpations of some popes, and

of some churchmen, to which their advocates could make no reply.

The effect of these circumstances was, that the justice of the pretensions of the popes to temporal power, by divine right, became much suspected; the antient canons were more attended to; and the limits of spiritual and temporal power were better understood\*.

\* As much, unavoidably is said, in many pages of each volume of this work, respecting papal power, the following exposition of the doctrine of Roman-catholics upon this subject, is here inserted, from the author's *Historical Memoirs of the Church of France, during the Reigns of Louis XIV. XV. XVI, and during the Revolution.*

# I

## *Universal Doctrine of the Roman-catholics, respecting the Supremacy of the Pope.*

It is an article of the Roman-catholic faith, that the pope has, by divine right, 1st, a supremacy of rank; 2dly, a supremacy of jurisdiction, in the spiritual concerns of the Roman-catholic church; and, 3dly, the principal authority in defining articles of faith.—In consequence of these prerogatives, the pope holds a rank, splendidly pre-eminent, over the highest dignitaries of the church; has a right to convene councils, and preside over them, by himself or his legates, and to confirm the elections of bishops. Every ecclesiastical cause may be brought to him, as the last resort, by appeal; he may promulgate definitions and formularies of faith to the universal church; and when the general body, or a great majority of her prelates, have assented to them, either by tacit acquiescence, or formal consent, all are bound to acquiesce in them: "Rome," they say, "in such a case, has spoken," and the "cause is determined." To the pope, in the opinion of all Roman-catholics, belongs also a general superintendence of

## VI. 2.

*Occasional Abuse by the popes of their Spiritual Power.*

THE popes had been reproachable, not merely for their unwarrantable pretensions to temporal

the concerns of the church ; a right, when the canons provide no line of action, to direct the proceedings ; and, in extraordinary cases, to act in opposition to the canons.—In those spiritual concerns, in which, by strict right, his authority is not definitive, he is entitled to the highest respect and deference. Thus far, there is no difference of opinion among Roman-catholics ; but here, they divaricate into the Transalpine and Cisalpine opinions.

## II.

*Difference between Transalpine and Cisalpine Doctrines, on the Temporal and Spiritual Power of the Pope.*

The great difference between the transalpine and cisalpine divines, on the power of the pope, formerly was, that the transalpine divines attributed to the pope a divine right to the exercise, indirect at least, of temporal power, for effecting a spiritual good ; and, in consequence of it, held that the supreme power of every state was so far subject to the pope, that, when he deemed that the bad conduct of the sovereign rendered it essential to the good of the church, that he should reign no longer, the pope was authorized, by his divine commission, to deprive him of his sovereignty, and absolve his subjects from their obligation of allegiance ; and that, even on ordinary occasions, the pope might enforce obedience to his spiritual legislation and jurisdiction, by civil penalties,—On the other hand, the cisalpine divines affirmed, that the pope had no right either to interfere in temporal concerns, or to enforce obedience to his spiritual legislation or jurisdiction, by temporal power ; and consequently had no right to deprive



power, and for the attempts, which they had made to establish it ;—but, they had also been long

a sovereign of his sovereignty, to absolve his subjects from their allegiance, or to enforce his spiritual authority over either, by civil penalties.—This difference of opinion exists now no longer, the transalpine divines having insensibly adopted, on this subject, the cisalpine opinions.

But, though on this important point, both parties are at last agreed, they still differ on others.

In spiritual concerns, the *transalpine* opinions ascribe to the pope a superiority, and controlling power over the whole church, should she oppose his decrees, and consequently over a general council, its representative ; and the same superiority and controlling power, even in the ordinary course of business, over the canons of the universal church. They describe the pope, as the fountain of all ecclesiastical order, jurisdiction, and dignity. They assign to him, the power of judging all persons in spiritual concerns ; of calling all spiritual causes to his cognizance ; of constituting, suspending, and deposing bishops ; of conferring all ecclesiastical dignitaries and benefices, in or out of his dominions, by paramount authority ; of exempting individuals or communities from the jurisdiction of their prelates ; of evoking to himself, or judges appointed by him, any cause actually pending in an ecclesiastical court ; and of receiving, immediately, appeals from all sentences of ecclesiastical courts, though they be inferior courts, from which there is a regular appeal to an intermediate superior court. They farther ascribe to the pope, the extraordinary prerogative of personal infallibility, when he undertakes to issue a solemn decision on any point of faith.

The *cisalpines* affirm, that in spirituals, the pope is subject, in doctrine and discipline, to the church, and to a general council representing her ; that he is subject to the canons of the church, and cannot, except in an extreme case, dispense with them ; that, even in such a case, his dispensation is subject to the judgment of the church ; that the bishops derive

blamed, by the wiser and more respectable part of the church, for their undue exercise, even of their spiritual power. They were particularly blamed for their incessant efforts, to extend the immunities of the clergy ; to exempt the regulars from the constitutional jurisdiction of the hierarchy ; for their pecuniary exactions ; for their interference in ecclesiastical proceedings in the diocesan courts ; for their nominations to ecclesiastical benefices in foreign states, contrary to common right ; and for the supercilious demeanour, and expensive proceedings, of their legates. The writings of St. Ber-

their jurisdiction from God himself, immediately, and not derivatively through the pope ; that he has no right to confer bishoprics, or other spiritual benefices of any kind, the patronage of which, by common right, prescription, concordat, or any other general rule of the church, is vested in another. They admit that an appeal lies to the pope from the sentence of the metropolitan ; but assert, that no appeal lies to the pope, and that he can evoke no cause to himself, during the intermediate process. They affirm, that a general council may, without, and even against the pope's consent, reform the church.—They deny his personal infallibility, and hold, that he may be deposed by the church, or a general council, for heresy or schism : and they admit, that in an extreme case \*, where there is a great division of opinion, an appeal lies from the pope to a future general council.

\* Instances of which, are, according to the account of Bossuet, so very rare, that it is scarcely possible to find true examples of such an extreme case in the course of several ages. “ Ce qu'il y a de principal, c'est, que les cas, auxquelles la France soutient le recours du pape au concile, sont si rares, qu'à peine on peut en trouver de vrais exemples en plusieurs siècles.”—*Lettre du Bossuet au Cardinal d'Estrées. Œuvres de Bossuet, vol. ix. p. 272, ed. Ben.*

nard \*, full as he was of reverence towards the holy see, incontrovertibly show, how reprehensible he sometimes thought the conduct of its pontiffs, and how greatly, in his opinion, it stood in need of reformation. “The Roman church,” says Bossuet, “which had, for nine whole ages, by “setting the example of an exact observance of “ecclesiastical discipline, maintained it throughout “the universe, to the utmost of her power, was “not exempt from the general disorder; and, so “early as the council of Vienne, a great prelate, “commissioned by the pope to prepare matters to “be there treated on, laid it down, for a ground- “work, to the whole assembly, that ‘*they ought “to reform the church, in the head, and its “members.*’ The great schism made this saying “current, not only among particular doctors, as “Gerson, Peter d’Ailly, and other great men of “those times, but even in councils; and nothing “was more frequently repeated, in those of Pisa, “and Constance †.” At the council of Trent, it was loudly pronounced by the wise and holy Bartholomew de Martyribus, archbishop of Braga—and several others of the highest dignitaries of the church. Thus, the conduct of the Roman see, had become the subject of general reprehension.

\* Particularly, his four books *de Consideratione*, addressed by him to Pope Eugenius IV.—“Bernardus Abbas, in libris de Consideratione ita loquitur ut veritas ipsa loqui videatur.” J. Calvin. Inst. lib. 4, c. 11, s. 10.

† Variations, l. 1, c. 1.

It has often been asserted, that, in England, it had always been more reprehensible, than in any other country.

## VI. 3.

*Occasional resistance of the kings of England to Papal Encroachments.*

THE papal encroachments had frequently provoked the interference, both of the monarch, and of the legislature.

Gregory the seventh, by Hubert, his legate, had solicited Henry the second to do homage to the apostolic see for the crown of England. "I will not do it," was the monarch's answer; "I did not promise it myself; nor can I learn, that any one of my predecessors did it\*." During the third expedition of Edward the first to Scotland, he received a letter from Boniface the eighth, in which he declared, that Scotland was a fief of the holy see; and required Edward to desist from force, and pursue his claim in the court of Rome. To this extraordinary requisition, the king paid no regard. The papal message was, however, laid before the parliament, at Lincoln. "Having diligently read your letter," say the barons, in answer to the pope, "it is,—and by the grace of God shall ever be,—our common and unanimous resolution, that with respect to the right of his kingdom of Scotland, or any other of his temporal

\* Seldeni, ad Eadmeri Historiam, Specilegium, p. 164.



“rights, our aforesaid lord shall not plead before  
“you ; nor submit to any trial, or inquiry ; nor  
“send any messenger, or prolocutor, to your court.  
“especially, as such proceedings would be to the  
“manifest disherison of the rights of the crown of  
“England, and the royal dignity ; the evident  
“subversion of the sovereignty of the kingdom ;  
“and to the prejudice of the liberties, customs, and  
“laws, which we have inherited from our fathers ;  
“and to the observance, and defence, of which, we  
“are bound by our oaths ; and which we will con-  
“tinue to hold to the best of our power ; and with  
“the assistance of God, will defend with all our  
“strength. Neither *do* we, nor *will* we, nor *can*  
“we, nor *ought* we, to permit our lord the king,  
“to do any of the things aforesaid, even were he  
“ever so desirous to do them\*.” The pope wrote  
to the king, that “the emperor and king of France,  
“had submitted to him.” “If both the emperor,  
“and the French king should take the pope’s part,”  
replied Edward, “I am ready to give battle to them  
“both in defence of the liberties of my crown.”  
—In 1302, the bull of institution of William of  
Glastonbury committed to his charge, “the spiritu-  
“alities and *temporalities* of the bishopric.” This  
was held an invasion of the rights of the crown.  
The bishop was immediately summoned before  
Edward the first, and his council ; condemned, in  
a thousand marks, for having received the bull ;  
and compelled to renounce publicly the obnoxious

\* Collier’s Church Hist. tom. 1, p. 725, No. XVI.

clause ; and to declare, that he held his temporalities of no one but the king.—“ It is probable,” says Mr. Lingard \*, “ that, to this incident, we “ we are to ascribe the origin of a custom, inviolably observed in the succeeding reigns, till the “ reformation. The bishop elect, as soon as he “ had received his bull of institution, appeared “ before the king, or his deputy ; and, in his presence, abjured every clause in the bull, that could “ be prejudicial to the temporal rights of the “ crown.” “ I expressly renounce,” said the prelate elect, “ and totally abjure all, and every word, “ clause, and sentence, in the apostolic bulls, directed to me, concerning the aforesaid bishopric, “ which are, or which, by any means hereafter, may “ be prejudicial to my sovereign lord the king ; or “ his heirs, or the rights, customs, or prerogatives, “ of the kingdom ; and, in this respect, wholly submit, and place myself at the good pleasure of his “ highness, *humbly beseeching his majesty to grant “ me the temporalities of the said bishopric, which “ I acknowledge to hold of him, as my sovereign “ lord.*”

## VI. 4.

### *Legislative acts against Papal Encroachments.*

IN this manner, the king, and the nation, asserted the independence of the realm against the preten-

\* Documents to ascertain the sentiments of British catholics in former ages, respecting the power of the popes. 8vo.

sions of the popes, to temporal power within its territories.

Their undue exercise even of spiritual power, they restrained by several statutes. — 1. The first of these was passed, in the thirty-fifth year of the reign of Edward the first. It is intitled *De Asportatis religiosorum*; concerning the exportation of money out of the kingdom by religious men. It states, that, “abbots, and other governors of religious houses, were used to set pecuniary impositions on the communities, subject to their government; and to dispose of them at their pleasure.” To prevent these abuses, the act directed, that “every religious person, taking, or sending, any such money out of the kingdom, should be grievously punished, and that alien abbots, imposing such a tax, should forfeit their property for the offence.”

2. Another offensive practice of the see of Rome was to make grants of benefices, before they became actually vacant. The language of these grants was, that “the holy father, out of his great care, for the welfare of the church in general, and of such a diocese in particular, had provided for it, beforehand, a proper, and useful person to preside over it; lest, in case of a vacancy, it might suffer detriment, by being long destitute of a pastor; for which reason, out of the plenitude of his authority, he reserved to himself, for that term, the disposal of the bishopric; decreeing, from that time forward, all interposition, or

“ attempt, to the contrary, of all persons whatsoever,  
 “ null and void \*.”

The individuals, obtaining these grants, were called *provisors*. By the statutes of 25th Edward III. stat. 6; and 27th Edward III. stat. 1, commonly called *the statutes of provisors*, they were directed “ to be attached; and, if convicted, to be imprisoned, without bail, till they made fine and ransom to the king at his will; and satisfaction to the party. If they could not be found, the sheriff was to proceed to the outlawry of them; and the king was to receive, in the mean time, the profits of the benefice.”

3. A still more offensive practice of the see of Rome, was to permit English subjects to sue in its courts, in cases, the cognizance of which belonged to the courts of the king; and to receive appeals from the sentences of such courts. This, by the statutes of the 27th Edward III. stat. 1, ch. 1; and 38th Edward III. ch. 2, was prohibited under severe penalties.

4. At subsequent times, *other statutes*, as those of Richard II. ch. 3, 7; Richard II. ch. 12, 13; Richard II. ch. 15, 13; Richard II. stat. 2, ch. 2, 3; and 2 Henry IV. ch. 3, were passed, to strengthen the foregoing laws; and to extend their provisions. These statutes, were generally called the *statutes of præmunire*. They received this appellation from the language of the writ of citation, preparatory to

\* Lowth's Life of Wykham, p. 43.



the prosecution upon them. By this, the sheriff was ordered "to cause the offender to be forewarned,"—(*præmunire*,—a barbarous word for *præmonere*,—*facias*),—"N. N. to appear; and "to answer the contempt, with which he was "charged;" which offence was recited in the preamble to the writ. The contempt was supposed to consist, in paying that obedience to papal process, which was due to the king alone. The punishments, inflicted by these statutes, are various. Collectively taken, they are thus shortly summed up by Lord Coke,—“that, from the time of conviction, “the defendant should be out of the king’s protection, and his lands and tenements forfeited to the “king; and that his body should remain at the “king’s pleasure.”

Such were the provisions, by which, when the popes were in the zenith of their authority, our catholic ancestors disclaimed and resisted their claims to temporal power; and even the undue exercise of their spiritual power, within this imperial realm\*.

\* The subject of this chapter is exhausted by Lord Coke, in his treatise *de Jure Regis et Ecclesiastico*, prefixed to the fifth volume of his Reports, and the *Answer* to it by Father Parsons, published in 1606.

## CHAP. VII.

HENRY THE EIGHTH ASSUMES THE TITLE OF  
SUPREME HEAD OF THE CHURCH OF ENGLAND.

1534.

FROM the beginning of the reign of Henry the eighth, until the period, to which the subject now leads the writer, his majesty gave his entire confidence to cardinal Wolsey. I. The character of that minister; II. The penalties of præmunire, which the whole body of the clergy was adjudged to have incurred by their submission to his legatine authority; III. The steps taken to prepare the mind of the nation for his majesty's ecclesiastical supremacy; IV. And the legislative acts, by which it was conferred upon him, will be succinctly described in the present chapter.

## VII. 1.

*Character of cardinal Wolsey.*

To this distinguished personage his contemporaries, generally speaking, were unjust. The splendor, with which he was surrounded, made him an object of envy; his lofty manners created him many personal enemies; the spirit of domination, which he showed in all ecclesiastical concerns, indisposed the clergy towards him; and the friends of the reformation considered him their enemy.

Whilst he lived, nearly all hated him ; after his decease, nearly all were hostile to his memory.

His extraction was mean : Henry the seventh had occasion to discover the penetration and energy of his mind ; and conferred upon him the deanery of Lincoln. He was quickly noticed by Henry the eighth. He soon became his favourite, and the companion of his pleasures, and, before long, his sole and absolute minister. “ By this rapid advancement, and uncontrolled authority,” says Mr. Hume \*, “ the character and genius of Wolsey had full opportunity to display itself. Insatiable in his acquisitions ; but still more magnificent in his expense ; of extensive capacity, but still more unbounded enterprize ; ambitious of power, but more ambitious of glory ; insinuating, engaging, persuasive, and by turns lofty, elevated, and commanding ; haughty to his equals, affable to his dependents ; oppressive to the people, but liberal to his friends ; more generous than grateful ; less moved by injuries than by contempt ; he was framed to take the ascendant in every intercourse with others ; but exerted this superiority of nature, with such ostentation, as exposed him to envy ; and made every one willing to recall the original inferiority, or rather meanness of his fortune.” Such is the character drawn of Wolsey, by Mr. Hume. Even, with the dark shades, which it receives from his pen, small is the number of those, that have attained a situation equally elevated, with whom Wolsey will suffer in comparison.

\* Ch. 27.

That, in his conduct, much was reprehensible, must be admitted. But, surely, much excuse may be found, in the ungovernable violence, and obstinacy, of the monarch. “I do assure you,” the cardinal said, a few hours before he expired, to Sir William Kingston, the constable of the Tower, “that, I have often knelt before his Majesty, sometimes three hours together, to persuade him from his will and appetite; but could not prevail.”

It should also be observed, that the part of Henry’s reign, which was subsequent to the decease of the minister, was much more criminal, than that, which had been directed by his councils.

That Wolsey was a protector of learning, his most violent enemies admit: and, if we think with them, that he was justly chargeable with an excess of magnificence, we should not forget, that, by calling forth the arts, and exciting the industry of the nation, that very magnificence was a public benefit. —At the time, of which we are speaking, the benefits which the public receives from individual magnificence like Wolsey’s, was little understood.

## VII. 2.

*The whole body of the English Clergy held to be liable to the penalties of Præmunire.*

THE offence particularly imputed to Wolsey, was his exercising in England the power of a legate of the pope.

From an early time, it was an acknowledged



prerogative of the popes to send persons to represent them,—and to exercise their powers in foreign states. The persons invested with this high authority were often delegated to sovereign princes and states, as the guardians of the faith, and discipline, of the church; and as the protectors of its general interests. They were the representatives of the pope, holding many of his highest powers.

It is not to be supposed, that prerogatives, such as these, would be exercised by Wolsey, with a very gentle hand. His administration gave great offence to the clergy; and became a subject of general complaint. On this account, as soon as the ruin of the cardinal was determined, his enemies indicted him for procuring from Rome, the bull, which invested him with the legatine authority; and for an extravagant exercise of the powers, which it conferred upon him. The charge was ridiculous; but, such were the absolute power of the monarch, and the temper of the times, that the cardinal confessed the indictment, and sentence was pronounced upon him;—declaring him out of the king's protection; his lands and goods to be forfeited; and ordering him into custody.—Henry however, granted him a pardon.

This memorable event took place, in November, 1529. In January 1531, the whole ecclesiastical establishment was brought under the same law. It was alleged, that, by submitting to the cardinal's exercise of his legatine authority, the whole national church had offended within the statute of provisors. Upon this statute, therefore, the attorney-general, by his majesty's direction, indicted them. They

assembled in convocation; confessed their guilt, and submitted to his majesty's mercy. The king accepted from the clergy of the province of Canterbury, 100,000*l.*; and from the clergy of the province of York, 18,440*l.*—for a pardon. It was expected, that the whole body of the laity would have been considered guilty of the same offence; but, after some demonstrations of anger, the king issued his pardon of them, without requiring any fine. The Commons expressed great gratitude to him for his clemency.

It is surprising, that the nation should have quietly submitted to a proceeding so manifestly unjust and absurd. On what ground, it could be gravely asserted, that either clergy, or laity, had incurred the penalties of the statutes of provisors, or *præmunire*, it is impossible to conceive. The first of these statutes extended to those only, who obtained from the see of Rome, provisional presentations to benefices, that were not vacant; the latter, to those only, who interrupted the proceedings of the king's courts, or prevented the execution of their sentences, by appealing from them to the see of Rome.

### VII. 3.

*Measures preparing the public mind for his majesty's  
Ecclesiastical Supremacy.*

AFTER this, it soon became evident, that the king was determined to abolish, in his dominions, the spiritual supremacy of the pope. He was aware,

that it would shock the religious principles and feelings of a large proportion of the nation. He, therefore, proceeded in the execution of his design, with greater caution, than he condescended to use on any other occasion.

1. Great attempts were made to induce the leading ecclesiastics to co-operate with his views; 2. Many works were published, to dispose the nation favourably towards them: 3. Convocations of both provinces were brought over to them: 4. And the language of the debates, in both houses of parliament, was calculated to promote them.

1. The king caused *the bishops, and all other leading ecclesiastics*, to be sounded by his principal courtiers; and every method was employed, that could dispose them to favour his designs. The ordinary means of persuasion and terror were resorted to. Frequent sermons were preached, and every other mode of instruction was used, to make the new doctrine palatable to the people. The superiors of religious houses were required to disseminate it among the members of their communities. The effect of these measures upon the public mind is remarkable. At first, it was thought sufficient to propound, that the council was above the pope. But, “afterwards,” says Burnet, “they struck a note higher; and declared to the people, that the pope had no authority in England\*.”

2. For the first time, perhaps, the powerful artillery of *the press* was now brought forward in aid of a

\* Hist. of the Reformation, B. 2.

great public measure. Many works, advocating the royal views, and indisposing the nation against the see of Rome, were printed and extensively circulated. The most remarkable of these were, “*The Institution for the necessary Erudition of a Christian Man;*” the treatise of Fox, bishop of Hereford, “*De verâ differentiâ regis potestatis et ecclesiæ;*” and the work of Gardiner, bishop of Winchester, “*De verâ obedientiâ.*” The most popular, was a Latin oration of doctor Richard Sampson, printed, in 1553, by Berthelet. Henry himself broke a lance against the pope.—“The king himself,” says Strype†, “wrote a book. It was a large and ample treatise of the tyranny and usurpation of the bishop of Rome; and bore this title, “*De Potestate Christianorum Regum in suis ecclesiis contra Pontificis Tyrannidem et horribilem impietatem.*” Mean time, the advocates of the supremacy of the pope were not idle. Its most distinguished champion was cardinal Pole. He addressed to the king a laboured dissertation, “*Pro unitate ecclesiasticâ;*” and carefully sent it to him by a private hand. It was afterwards published at Strasbourg, and several copies found their way into England. Some replies to it were published. The harsh terms, in which the cardinal expressed himself, respecting the king, were objected to his work. He defended it against this, and other charges, by his treatise, intitled *Unitatis ecclesiasticæ Defensio*, published at Strasbourg, in 1555;

\* Mem. Eccles. c. 24.



and at Ingolstadt, in 1587. The two works were often printed in one volume. The appendixes to bishop Burnet's *History of the Reformation*, and Strype's *Ecclesiastical Memorials*, contain several letters, written by the cardinal; and several, addressed to him. No documents show so well the general tenor of the arguments, by which, at this time, the papal supremacy was attacked, and defended. But, it must be admitted, that, in subsequent times, the subject, if not better understood, has, certainly, been more ably discussed.

3. The next attempt of the advocates for the royal supremacy was, to procure a formal recognition of it by the *convocations of the clergy*.—Whilst they lay at the mercy of the crown, in consequence of their supposed guilt, in submitting to cardinal Wolsey's legatine authority, it was pressed upon them, as a measure, likely to soothe his majesty's anger, that they should acknowledge his title of supreme head of the church. A petition was, accordingly, brought into the upper house of convocation of the province of Canterbury. In it, the king was styled, "the protector and supreme head of the church." Some opposition to this expression was made; and the consideration of the petition postponed. It was then proposed to qualify the obnoxious words, by adding to them, the expression,—“so far as is permitted by the law of Christ.” With this qualification, the sentence was adopted; and the petition signed by the convocation of each province. For a time, the king appeared to be satisfied. But, to use the words of

Strype\*, he “ finally made them buckle to.”—In the following year, the parliament passed an act, prohibiting appeals to Rome ; and subjecting those who made them, to the penalties of *præmunire*. The convocations ordered the act to be fixed upon the church door of every parish : And, in March and May, 1534, announced, that “ a general council “ represented the church ; and was above the pope, “ and all other bishops : and that the bishop of “ Rome had no greater jurisdiction, given him by “ God in the holy scriptures, within the kingdom “ of England, than any other foreign bishop.” In the convocation of Canterbury, this allegation was opposed by four voices only ; and by one, expressing doubt. In the convocation of York, it passed, without a dissenting voice. Both the universities, all the capitular and all the conventual bodies throughout the realm, followed their example. Compliance with the royal wishes now became the order of the day. The bishops took out new commissions from the crown : and in these, not only their temporal, but even their spiritual and episcopal, authority, was affirmed to be derived from the magistrates, and to be dependent upon their will.

4. But nothing contributed so much to reconcile the nation to the views of the court, as the *general language of the leading members of both houses of parliament*, when ecclesiastical concerns were the subject of their deliberations. The care, which the ministers of the crown took to bring the subject,

\* Eccl. Mem. Vol. i. p. 133.

under various forms, into the house of commons, shows that, even in those arbitrary times, the weight of this branch of the legislature, the importance of public opinion, and the influence of parliamentary discussion, were on the increase. Hence, in both houses of parliament, severe invectives against the dissolute manners, the ambition and the avarice of the clergy, were not only allowed, but encouraged. Their encroachments, both on the crown, and on the general body of the nation, were represented in strong colours; whilst the immense sums, which were said to be drawn out of the kingdom by the pope, were held out to the view and indignation of the public. Several bills also were passed, restraining some of the most invidious of the impositions of the clergy. The manner, in which they were received by the nation, instigated the crown to still bolder measures.

The ultimate tendency of these proceedings had not been unobserved. In 1529, when the motion was made in the upper house of the convocation of Canterbury, for suppressing the lesser monasteries,—"Beware, my lords," exclaimed bishop Fisher, "beware of yourselves, and your country! beware of your holy mother, the catholic church! The people are subject to novelties; and Lutheranism spreads itself among us. Remember Germany, and Bohemia.—Let our neighbours' houses, which are on fire, teach us to beware of our own."

"An axe," continued the learned prelate, "came, upon a time, into the wood, making his moan to the great trees, that he wanted an handle to

“ work withall ; and, for that cause, he was constrained to sit idle ; therefore, he made it his request to them to grant him one of their small saplings, within the wood, to make him an handle. But now, becoming a complete axe, he fell so to work, within the same wood, that, in process of time, there were neither great, nor small trees to be found in the place, where the wood stood. And so, my lords, if you grant the king these smaller monasteries, you do but make him an handle, whereby, at his own pleasure, he may cut down all the cedars of the Lebanons\*.”

## VII. 4.

*The acts of parliament declaring Henry the eighth Head of the Church of England.*

At length, the final blow was struck.—In the twenty-sixth year of his reign the statute was passed, which declared Henry head of the church of England. After reciting, that “ the king’s majesty justly, and rightfully, was, and ought to be, supreme head of the church of England ; and so had been recognised by the clergy of the kingdom in their convocation,” it was enacted, that “ the king should be reputed the only supreme head, on earth, of the church of England ; and should have, and enjoy, annexed to the imperial crown of the realm, as well the style, and title, thereof, as all honours, dignities, pre-eminences,

\* Dr. Bayley’s Life of Bishop Fisher, p. 108.



“jurisdictions, privileges, authorities, immunities,  
“profits, and commodities, to the said dignity of  
“supreme head of the church appertaining; and  
“should have full power, and authority, to reform,  
“and correct, all manner of errors, heresies, and  
“offences, which might be reformed, and corrected,  
“by any manner of spiritual authority, or jurisdiction.”—On the thirteenth of the following January, the king assumed, with great solemnity, his title of “supreme head on earth of the church of  
“England.”

In a future part of this work, some observations will be offered on the nature of the supremacy conferred on Henry by this act. At present, it only remains to add, that, immediately after the act, establishing his supremacy, was passed, the king issued a proclamation, commanding it to be preached in the most frequented auditories; and taught to little children; enjoining farther, that the pope’s name should be erased out of all books;—and that he should be treated no otherwise than as an ordinary bishop. “We have seen,” say *the writers of the parliamentary history* \*, “several books, “printed before this time, wherein the word, “‘pope,’ is entirely obliterated; particularly one “in our collection,—Fabian’s Chronicle,—in which “the name of ‘*pope*’ is blotted out by a pen, “throughout the volume. It is probable, the booksellers durst not sell them, without this alteration.”

\* Vol. iii. p. 113.

## CHAP. VIII.

CRIMINAL PROSECUTIONS ON THE STATUTES REGULATING THE SUCCESSION TO THE CROWN,—AND CONFERRING ON HENRY THE EIGHTH THE TITLE OF SUPREME HEAD OF THE CHURCH OF ENGLAND.

WE have mentioned each of these statutes,—(25th and 26th of Henry the eighth). The oath, prescribed by the former, was generally taken; the title, conferred by the latter, was generally admitted—I. But the oath respecting the supremacy was refused by cardinal Fisher:—II. Sir Thomas More;—III. and some others. For their refusals they were capitally condemned, and executed.

## VIII. 1.

*Bishop Fisher.*

THE most memorable of these victims were Fisher, bishop of Rochester, and Sir Thomas More. Fisher suffered first. In his praise, both Englishmen and foreigners; both the friends and the enemies, of the Reformation are united. Erasmus represents him, as a man of consummate integrity; profound learning; incredible sweetness of temper, and grandeur of soul: “all,” say the authors of the *Biographia Britannica*, “acknowledge, that he was “a sober man; pious, temperate, and charitable;

“learned, and an encourager of learning.” By his persuasion, the countess of Richmond founded the noble colleges of Christ, and St. John in Cambridge, and the Lady Margaret Professorships in Cambridge and Oxford. He contributed to the expense of building St. John’s College, and founded in it two fellowships, a lectureship of Hebrew, a lectureship of Greek, four examining readers, and four under-readers, to relieve the principal. He augmented the commons, and presented the college with his library. He was elected chancellor of the University. At first, he was greatly favoured by Henry, who called him, “the honour of his nation,” and asked cardinal Pole, on his return from the continent, “whether he had found, in all his travels, a person, either in virtue, or learning, comparable with the bishop of Rochester.” The monarch raised him to that see; and afterwards offered to promote him to the wealthier sees of Lincoln and Ely. But, in conformity to the language and spirit of the canons, Fisher declined the promotion.

He was unluckily implicated in the practices of Elizabeth Barton, commonly called, “the Maid of Kent.” By an appearance of sanctity, and pretended revelations, as well as by the co-operation of some weak, and some designing men, she imposed upon many, and even obtained the esteem of several respectable persons. Among these, were Warham, the archbishop of Canterbury, and Fisher. She declaimed against the king’s divorce, and supremacy; and prophesied, that his sins would speedily

be visited by the judgment of Heaven. The king caused her and her principal accomplices, to be arrested. They were brought before the star-chamber; confessed their guilt; and suffered for it. An act of attainder was passed against Fisher, and some others, for being acquainted with her practices, and not making them known to the king. To exculpate himself, Fisher addressed a letter to the house of lords, in which, he admitted his having been told by her, that it had been revealed to her by God, that, if Henry persevered in his irreligious measures, he would not, in seven months, be any longer king of England. Fisher seems to acknowledge that he thought favourably of her, and of her revelations; and excuses himself for not having apprised the king of them, in consequence of her assurance, that she herself had already done so; and because he understood, that the event, whatsoever it might be, was to be produced, not by any human means, but by the immediate intervention of the Almighty.

Sir Thomas More had casually conversed with her: But he appears to have listened to her with distrust. He wrote her a letter of advice: It was, however, so little favourable to the supposition of her extraordinary sanctity, that, when her advocates endeavoured, during the reign of queen Mary, to sanctify the memory of the maid, they thought it advisable to suppress it. On this account, but, not without some difficulty, Sir Thomas More was left out of the bill of attainder; and suffered to remain at large.



The confinement of bishop Fisher was rigorous. He was stripped of his clothes ; and, to copy the words of Hume, “ notwithstanding his extreme “ age, was allowed nothing but rags, which scarcely “ covered his nakedness. In this condition, he “ lay in prison about a twelve month ; when the “ pope, willing to recompense the sufferings of so “ faithful an adherent, created him cardinal.” This promotion roused the indignation of the king ; and he was resolved to display the force of his resentment. Fisher was indicted for denying the king’s supremacy ; and, soon after, was tried, condemned, and executed.

## VIII. 2.

### *Sir Thomas More.*

FEW men, in exalted situations, have been viewed by their contemporaries, or by posterity, with greater reverence, than Sir Thomas More. He was born of respectable parents ; and first known to the public, as law-lecturer in Furnival’s Inn ; and as a successful practitioner at the bar. It is recorded of him, that, in this employment, “ he took no fees of poor “ folks, widows, or pupils.” He was successively appointed speaker of the house of commons, chancellor of the dutchy of Lancaster, and sent on several embassies. His conduct gained him the approbation and confidence of his sovereign ; and the esteem of all, to whom he became known. The king was personally attached to him ; and took great delight in his instructive and entertaining society.

“ Henry,” says Erasmus, in a letter written, about this time, to Ulric von Hutten, “holds More in such intimacy, that he never suffers him to leave him. If he want counsel in serious matters, he has not a better adviser. If he desire to relax his mind, he knows not a more festive companion.” But More was sensible of the little reliance that was to be placed on the regard shown him by the king. One day, the king came unexpectedly to dine with More; and, after dinner, walked, an hour, in the garden, with one arm round his neck. Roper, the son-in-law of More, congratulated him, on this mark of his prince’s affection, and familiarity. “ Son,” said More, “ I thank our lord; I find his grace my very good lord indeed. I believe he doth as singularly favour me as any subject within this realm. Howbeit, son Roper, I may tell thee, I have no cause to be proud thereof; for, if my head would win him a castle in France, it should not fail to go.”

More foresaw the Reformation, and its effects. Mr. Roper once observed to him the flourishing state of the catholic religion within the realm, under so orthodox a king. “ Truth it is, son Roper,” he replied. “ And yet, son Roper, I pray God, that some of us, as high as we seem to sit upon the mountains, treading heretics under feet, like ants, live not to see the day, that we would gladly be at league, and composition with them, to let them have their churches quietly to themselves, so that they would be contented to let us have ours quietly to ourselves.”

Upon the fall of Wolsey, the king advanced More to the office of lord high chancellor of England. The duties of this high station he discharged with universal applause. By indefatigable application he cleared the court of all its causes. Having, one day, ended a cause, and called for the next, he was told, that there was no other depending. This he was pleased to hear; and ordered it to be entered on the records of the court. It gave rise to the following epigram,—not the worst in the English language,—

When More some time had chancellor been,  
No more suits did remain;  
The same shall never more be seen,  
Till More be there again.

His sentiments were known to be unfavourable to the divorce. His rank, and high reputation, both at home and abroad, for talents and integrity, made Henry very desirous, that he should pronounce in its favour. On one occasion, being greatly importuned by him upon the subject, More fell upon his knees; and besought his majesty to remain to him the gracious sovereign he had ever found him. “Nothing,” he said, “had been so grievous to him, as his inability to serve his majesty in that matter, with a safe conscience; having ever borne in mind his majesty’s words, in his entry into his service,—(the most virtuous lesson which a prince ever taught to his servant),—first, to look unto God; and after God, to him.” Henry answered, that “if More could not conscientiously serve him, in that manner, he was content to accept his ser-

“ vices in other ways ; and to take the advice of  
“ others of his council, whose consciences did not  
“ revolt at it ; that he would continue his favours  
“ towards him ; and never more molest his con-  
“ science on the matter.”

Perceiving, however, that the king was bent on his marriage with Anne Boleyn, More resigned his office. “ He descended,” says Mr. Hume, “ from his high station, with more joy and alacrity, than he had in ascending it. He sported with the varieties of fortune ; and neither the pride of high station, nor the melancholy of retreat, could disturb his serenity.

“ When his friends discovered sorrow on his descent from grandeur, he laughed at their distress ; and made them ashamed of losing a moment’s cheerfulness from such trivial misfortunes.”

He was one of the greatest promoters of classical learning. The letters, which passed between him and Erasmus, are elegant and interesting ; those, in which the latter relates his tragical end, and records his great and amiable virtues, are pathetic and beautiful in the highest degree. As a writer, More’s reputation rests principally on his *Utopia*,—a description of an imaginary commonwealth. It discovers great observation and acuteness ; reprobates sanguinary punishments, and describes a system of religious liberty, which few, even in these days, would venture to propose for practice. In his polemic writings, he conformed too much to the bad taste of the times, expressing himself in regard to heretics, in strong terms of abuse ;—but, with so much elegance, that



he gained the reputation of having the best knack, of any man in Europe, at calling bad names in good Latin.

He is even accused of having caused corporal punishment to be inflicted on heretics. The truth of this accusation seems to rest entirely on the credit of Fox, the martyrologist,—a writer equally bigoted and credulous. In the 36th chapter of his apology, Sir Thomas peremptorily denies the charge; and solemnly appeals to God for the truth of the denial.

His attachment to the catholic church was sincere. But\* while, in conformity to its universal doctrine, he defined the church to be “the common known congregation of all christian nations, under one head, the pope,”—he affirms, “that the council is above the pope; and that there are orders in Christ’s church, by which a pope may be both admonished, and amended; and hath been, for incorrigible mind, and lack of amendment, finally deposed, and changed.”

Nothing is more pleasing than the picture drawn by Erasmus of the domestic circle of Sir Thomas More; of his playfulness, simplicity, and universal beneficence. “More,” says Erasmus, “did not know what a stranger was. Most are kind only to their own countrymen; the Frenchman, to the French; the German, to the Germans; the Scot, to the Scots. With More it was otherwise; the Hibernian, the German, even the Scythian, and the Indian, found More their friend.” His general

\* Eng. Works, p. 615. 651.

benignity had endeared More so much to all, that his death was deplored, as that of a father, or a brother. “I, myself,” says Erasmus, “have seen it bewailed with tears by several, who had neither seen, nor had the slightest intercourse with him.”

An account of his trial is published in the second volume of the State Trials. The indictment, on which he was tried, has not been discovered. From his speech on the trial, it appears, that the principal charges against him were, that he had disapproved the king's second marriage; had denied his spiritual supremacy; had confederated against it, with bishop Fisher; and,—(this was particularly urged against him),—had called the law, by which the supremacy was conferred upon his majesty, a two-edged sword,—as, by consenting to it, he would endanger his soul; and, by rejecting it, lose his life. To prove the three first of these charges, no evidence was produced. On the contrary, it appeared, that, when Rich, the solicitor-general, was sent to him, during his confinement in the Tower, he put this question to More,—“If there was an act of parliament, that the realm should take me for king, would you take me for king? Yes; sir,” replied More, “that would I.”

With respect to the expression, that the law against the supremacy was like a two-edged sword, the proof of this rested upon the single testimony of Mr. Rich, who swore, that, in a casual conversation with him, in the Tower, sir Thomas had used this expression. Sir Thomas denied his having used the words, in the sense affixed to them by

Mr. Rich; and totally discredited his testimony. Upon this evidence, however, he was found guilty; and executed.

Never, certainly, was the mind of man less moved by a sentence of condemnation, or by the approach of death. True, under every vicissitude of fortune, to his principles, and sense of duty, the recollection of a well-spent life, and the belief of its approaching reward supported him in those awful moments. Without ostentation or display, he met his fate, with the unpretending firmness and constancy, with which he would have discharged the most ordinary duty\*.

### VIII. 3.

*Other Executions for the denial of the king's spiritual Supremacy.*

MANY others, both of the clergy, and laity, suffered death, for denying the king's spiritual supremacy. Dodd, in his *Church History of England*, gives a list of fifty-nine. None attracted so much commiseration as the Carthusians. This Order was singularly respected. John Haughton, the prior of the Charter-house, Robert Lawrence, prior of Belleval, and Augustine Webster, prior of the house of Shene, were sent to the Tower, and, soon afterwards, tried. "But the jury," says Strype\*,

\* With an interesting account of this great man, the public has been recently favoured by Mr. Cayley: the writer has availed himself of it, in this article.

† Eccl. Mem. vol. i. p. 196.

“ had such a reverence for these three fathers, that  
“ they deferred their verdict till next day. To  
“ whom Cromwell sent to know,—what made them  
“ so long? and what they intended to do? They  
“ sent this answer back, that they could not bring  
“ in such holy fathers guilty, as malefactors.  
“ Which, when Cromwell heard,” adds Strype,  
“ he sent them word immediately, that, if they  
“ found them not guilty, they should suffer the  
“ death of malefactors, themselves. But, they still  
“ persisting in their former judgment, notwithstand-  
“ ing Cromwell’s threatenings, he came to them  
“ himself, and so overawed them with his threats,  
“ that they, at length, brought them in guilty of  
“ treason. And, five days after, they were exe-  
“ cuted at Tyburn. Other Carthusians were starved  
“ to death in prison. Maurice Chauncey, one of  
“ their order, fled beyond seas; and published an  
“ account of the sufferings of his brethren, under  
“ the title of “ *Historia aliquot nostri sæculi*  
“ *Martyrum.* Mentz, 4to. 1550.” “ It is not  
“ denied, by any knowing, or moderate protestant,”  
says Mr. Wood\*, “ but that his name is worthy to  
“ be kept in everlasting remembrance.”

When the three priors were led to execution, sir Thomas More beheld them from a window in his own apartment, in the Tower. He called to Margery, his favourite daughter, to observe “ the  
“ blessed fathers, going,” said he, “ as cheerfully to  
“ their deaths, as bridegrooms to their marriage;”

\* Athenæ Oxon. p. 202.



—“the reward,” he called it, “of their days spent  
“in strait, penitential, and painful life.”

It is remarkable, that the denial of the king’s spiritual supremacy was first made a capital offence by an act passed in the twenty-eighth year of his reign. The acts in force, when the individuals mentioned were executed, were those of the 25th and 26th of his majesty; which carried the punishment for the denial of the supremacy no higher than *præmunire*, and misprision of treason. Thus, even in those cases, where the offence was proved by legal evidence,—(and such cases were, certainly, very few),—the offenders were sentenced to a punishment, which the law did not inflict.

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## CHAP. IX.

### MONASTIC INSTITUTIONS.

THE dissolution of monastic establishments, within the realm, is one of the most important events in the history of the Reformation of England. An attempt will be made, in this chapter, to present the reader with some account, I. Of the origin of the monastic institution; and its principal orders,—1st. the Benedictines; 2d. the Canons Regular of St. Augustine; 3d. the Mendicant Orders; 4th. the corresponding orders of Nuns; 5th. and the Military Order of the Knights of St. John of Jerusalem.

II. Of the advantages derived from the monastic institution ; 1st. by the state ; 2d. by the persons, by whom their lands were given ; 3d. by the general body of the public, from their hospitality ; 4th. from their support of the poor ; 5th. from their being general seminaries for the education of the youth of both sexes ; 6th. from their agricultural labours ; 7th, from their encouragement of architecture, sculpture, and other arts ; 8th. from their cultivation of sacred and profane literature ; 9th. and from their care in preserving and transmitting to us the sacred word of God.

### IX. 1.

#### *Origin of the Monastic Institution ; and its principal Orders.*

THE monastic state originated in the east. Towards the middle of the fourth century, St. Anthony, after having spent many years in perfect solitude, in a desert, in Upper Egypt, permitted a numerous body of men to live in community with him, and lead, under his direction, a life of piety, and manual labour, sanctified by prayer. St. Pachomius was the first, who composed a written rule for the conduct of the monks.

1. About two hundred years after this, *St. Benedict*, an Italian monk, framed his religious rule for the government of a convent at Mount Casino, between Rome and Naples, over which himself presided. He adopted the whole of the spirit, and

most of the observances, of the rule of St. Pachomius. In consequence of the general devastation, and confusion, occasioned in Italy, by the Lombards; in Spain, by the Saracens; in France, by the wars among the descendants of Charlemagne; and, in England, by the irruption of the Danes,—the Benedictine monks fell from their original fervour into great disorder. But, towards the middle of the eleventh century, several eminent members of the order arose; and endeavoured to restore it to its ancient purity. While each added some new statute, or custom, to the original rule, each became the founder of a congregation, or secondary order, adhering, in essentials, to the order of St. Benedict, but differing from it in particular observances. Such were the Carthusians, Celestines and Premonstratenses.

2. *The Canons Regular of St. Augustine* derive their origin from certain respectable ecclesiastics, who, in the eighth century, formed themselves into a kind of middle order, between the monks and the secular clergy. They adopted so much of the monastic discipline, as to have in common, the church, and the table; and to assemble at stated hours, for the divine service. But they made no vows; and often discharged the functions of the ministry in churches, committed to their care. Thus, they rendered essential service to religion. By degrees, they too degenerated: But, in the twelfth century, a considerable reformation was introduced among them, under the auspices of pope Nicholas the second. Some, carrying the reformation further,

renounced their worldly possessions, and all private property; and lived in a manner, resembling the austerity and discipline, of a monastic life. This gave rise to the distinction between the *secular and regular canons*.

3. For many centuries, the Benedictines, the congregations, which emanated from them, and the canons of St. Augustine, constituted the only monastic orders of the west. In the thirteenth century, the *Mendicant Orders* arose. These were the *Franciscan* and *Dominican* friars, the *Carmelites*, and the *Hermits of St. Augustine*.

The *Franciscan* friars were founded by St. Francis, the son of a merchant of Assissium, in the province of Umbria. They were divided into *Conventuals*, who admitted some mitigations into their practice of their rule; and *Observantines*, who practised a stricter observance of it.

The *Dominican* friars were founded by St. Dominic. He adopted the rule of St. Francis for the groundwork of his institute, but, introduced into it so many alterations, as made it, almost, a new order.

The *Carmelites* professed to derive their origin from hermits, who, from the time of Elias to the time of Christ and the apostles, and thence, by a regular succession, till the irruptions of the Saracens, inhabited Mount Carmel.

The *Hermits of St. Augustine* derived their institute from a bull of Alexander the fourth. This pontiff collected several hermits into one order, to which he gave the above appellation; and prescribed



a rule for their government. At first, those orders only were considered to be mendicant, which had no fixed income ; but derived their whole subsistence from casual and uncertain bounty. Experience soon discovered, that many spiritual as well as many temporal evils attended mendicity. In consequence of it, some of the *Franciscan establishments*, and almost all the establishments of the three other orders, began to acquire permanent property. This, the church first permitted; and afterwards countenanced. The council of Trent confined mendicity to the Observantine Friars.

4. It remains to add, that *convents of nuns* were founded ; whose institutes corresponded with those of the religious orders and congregations, which have been noticed ; and with some also of the principal reforms.

5. The only *military order*, in England, at the time of the Reformation, was that of St. John of Jerusalem. It was divided into three classes ;—the nobles, who followed the profession of arms, for the defence of the faith against the followers of Mahomet, and for the protection of pilgrims ;—the ecclesiastics, who exercised their religious functions for the benefit of the order ;—and the lay-brothers, whose duty it was to take care of the pilgrims, and of the sick. After the loss of the Holy Land, they successively retired to Cyprus, to Rhodes, and to Malta, from the last of which places they received the appellation of Knights of Malta.

The Knights Templars once flourished in England ;—and were instituted, for the same

purposes as the Knights of St. John of Jerusalem. Some account of their suppression will be given in a subsequent part of this work.

## IX. 2.

### *Advantages derived from the Religious Orders.*

THE language, which is employed, in describing the characters and manners of the regular clergy, is generally such, as might induce a reader to suppose that they were altogether useless, and a heavy burthen on the public: but, the case was far otherwise.

1. To every *public imposition* of the state, both the secular, and the regular, clergy contributed, at least their proportionate share; while, in addition to these, subsidies, not required from the laity, were sometimes, under the name of benevolences, exacted from them. Most of their lands were held by the tenure of knight's-service; and were, therefore, liable to pecuniary contributions, for the ransom of the lord, for making his eldest son a knight, and for portioning his daughters, and to the obligation of finding a certain number of soldiers, to serve in the field, at the charge of the monastery.

2. The individuals, again, from whose benevolence they had acquired their possessions, and the heirs of these individuals, received back from them some return of that bounty. They had the benefit of *corodies*, or the privilege of quartering a certain number of poor servants, on the religious houses which they had founded: or, in later times, of

claiming from them annual pensions for their servants, as commutations for their corodies.

3. The public was essentially benefited by their *duty of hospitality*. This obliged the monasteries to receive and entertain their benefactors, and their heirs, and all their followers. So that, to use Mr. Collier's expression \*, "the monasteries were like "houses of public entertainment, for the gentry, "that travelled." In the present state of society, the practice of this hospitality appears in the light of a festivity; but, in the times, of which we are speaking, it was always considered, as a serious duty, imposing, more than is now imagined, a very heavy, and a very unpleasing obligation.

4. We must add, that the convents maintained *the poor*; there being, in these times, no national provision for them.

On such a subject, it is impossible to form even a plausible calculation; but it is obvious that a considerable proportion,—(can it be exaggeration to say one third?),—of monastic property, returned, in the way of direct payment or expenditure, to the public; or to the representatives of their benefactors.

5. That, in those times, the monasteries were the best *schools of education*, is a point, now universally admitted. History scarcely mentions a person of either sex, without mentioning, at the same time, the monastery in which that individual was educated. Neither was this education confined to the nobles, or to the wealthy. The chil-

\* Eccl. Hist. vol. ii. p. 165.

dren of their tenants ; and the very poorest of the poor, were there instructed in religion, and morality. A school was as regular an appendage to a monastery, as a chapel.

But, what was the religion, what the morality, that was taught in them ?

If we credit Dr. Robertson, “ Instead of aspiring to sanctity and virtue, which alone can render men acceptable to the great Author of order and excellence, they imagined, that they satisfied every obligation of duty, by a scrupulous observance of external ceremonies. Religion, according to their conception of it, comprehended nothing else ; and the rites, by which they persuaded themselves, that they could gain the favour of Heaven, were of such a nature as might have been expected from the rude ideas of the ages, which devised and introduced them. They were either so unmeaning, as to be altogether unworthy of the Being to whose honour they were consecrated ; or so absurd, as to be a disgrace to reason and humanity. All the religious maxims and practices of the dark ages,” continues the royal historiographer, in a note to this passage, “ are a proof of this. I shall produce one remarkable testimony, in confirmation of it, from an author canonized by the church of Rome, St. Eloy, or Eligius, bishop of Noyon, in the seventh century—‘ He is a good christian, who comes frequently to church ; who presents the

\* Hist. of Charles V. vol. i. p. 19, note xi. quarto edition.



“ oblation, which is offered to God, upon the altar;  
 “ who doth not taste of the fruits of his own in-  
 “ dustry, until he has consecrated a part of them  
 “ to God; who, when the holy festivals shall ap-  
 “ proach, lives chastely, even with his own wife,  
 “ during several days, that, with a safe conscience,  
 “ he may draw near to the altar of God; and who,  
 “ in the last place, can repeat the creed, and the  
 “ Lord’s prayer. Redeem then your souls from  
 “ destruction, while you have the means in your  
 “ power; offer presents, and tithes, to churchmen;  
 “ come more frequently to church; humbly implore  
 “ the patronage of the saints, for, if you observe  
 “ these things, you may come with security, in the  
 “ day, to the tribunal of the eternal Judge; and  
 “ say, give to us, O Lord! for we have given  
 “ unto thee.” *Dacherii Spicilegium veter. Script.*  
*v. ii. p. 94.* “ The learned, and judicious, tran-  
 “ slator of Dr. Mosheim’s ecclesiastical history,  
 “ from one of whose additional notes, I have bor-  
 “ rowed this passage, subjoins a very proper reflec-  
 “ tion; ‘We see here a large, and ample, description  
 “ of a good christian, in which there is not the least  
 “ mention of the love of God, resignation to his  
 “ will, obedience to his laws, or of justice, benevo-  
 “ lence, and charity, towards men.’ *Mosh. Eccles.*  
 “ *Hist. v. i. p. 324.*”

A charge, expressed in more direct, or stronger  
 terms against the clergy of the middle ages, for  
 teaching a false and depraved system of morality,  
 cannot be imagined. What, then, must be the  
 surprise of the reader, when, from the perusal of

the following passage, in Mr. Lingard's learned and elegant *Antiquities of the Anglo-Saxon Church*, p. 91, note B, he finds the whole to be an absolute misrepresentation? "From that period," says Mr. Lingard,—referring to the publication of Dr. Robertson's History,—“this citation from the writings of St. Eloy, or St. Eligius, has held a very distinguished place, in every invective, which has been published against the clergy of former ages: and the definition of the good christian has been re-echoed a thousand times by the credulity of writers, and their readers. May I hope to escape the imputation of scepticism, when I own, that I have always been inclined to mistrust this host of witnesses, and their quotations? I, at last, resolved to consult the original document; nor were my expectations disappointed. I discovered, that the bishop of Noyon had been foully calumniated; and that, instead of his real doctrine, a garbled extract had been presented to the public. That the good christian should pay the dues of the church, he indeed requires: but, he also requires, that he should cultivate peace among his neighbours; forgive his enemies; love all mankind as himself; observe the precepts of the decalogue; and faithfully comply with the engagements, which he contracted at his baptism.”

We insert the text of the bishop in a note\*;

\* “Non ergo vobis sufficit, charissimi, quod christianum nomen accepistis, si opera christiana non facitis. Illi enim

the following is Mr. Lingard's translation of it :  
 " It does not, therefore, most dear christians, suffice to you, that you have received the christian name, unless you do christian works. For, to him, it avails to be called a christian, who always keeps in his mind the precepts of Christ ; and fulfils them by his works. Such is he, who does not steal ; who does not bear false witness ; who does not lie, or forswear ; who does not commit adultery ; who hateth no one, but loveth all, as himself ; who does not return evil to his enemies, but rather prayeth for them ; who does not raise quarrels, but recalls quarrellers to peace. On account of its similarity," continues Mr. Lingard, " I shall subjoin another description of the good christian from an Anglo-Saxon prelate, Wulstan, archbishop of York :—" Let us always profess one true faith ; and love God with all our mind and might ; and carefully keep all his commandments, and give to God that part, (of our substance), which by his grace, we are able to give ; and earnestly avoid all evil ; and act righteously to all others ; that is, behave to others, as we wish

*prodest, quod christianus vocatur, qui semper Christi precepta, mente retinet, et opere perficit : qui furtum, scilicet, non facit ; qui falsum testimonium non dicit ; qui nec mentitur, nec pejerat ; qui adulterium non committit ; qui nullum hominem odit ; sed omnes, sicut semetipsum, diligit ; qui inimicis suis malum non reddit, sed magis pro ipsis orat ; qui lites non concitat, sed discordes ad concordiam revocat, &c."* Dach. Spicil. tom. v. p. 213.

“ others to behave to us. He is a good christian,  
 “ who observeth this\*.”

Such was the doctrine taught in the monasteries. May it not be confidently asked, whether it be not the morality of the gospel? whether any purer lessons of morality, can be cited? and whether, the institutions, which taught it,—and without which it might not have been taught,—were not, with all the imperfections, justly, or unjustly, imputed to them, eminently useful to the community?

6. It may moreover, be confidently asserted, that *agriculture* has not had better friends than the monks. To the truth of this assertion our own country bears the most ample testimony. That the monks were most indulgent landlords; that their tenants prospered under them; and that, at the time of the dissolution of monasteries, the lands belonging to them, were in the highest state of cultivation, which was known at that time,—is admitted. Generally speaking, the lands, bestowed upon them, were the refuse of the soil, when they received them. It was by the unceasing and regular toil of centuries, that they brought them to the state, in which they were found at the dissolution. No one can turn over the pages of Dugdale's *History of Embankment*, without being sensible of the magnitude of their labours, in gaining land from the sea; and in rendering the fen, the morass, and the marsh, both profitable and habitable.

Add to this, that the pious inmates of a monastery, *regularly spent almost the whole of their*

\* Sermo Lupi episc. ap. Whel. p. 487.



*income in its neighbourhood.* This attracted the labourer, the artisan, and the manufacturer. It seldom happened that a village did not rise, or that a village did not become a town, in any place where a convent flourished.

7. It is unnecessary to repeat, what has been said in a former page, respecting their encouragement of *architecture, sculpture, and the other arts.* No intelligent eye can survey any one of the many cathedral churches, which still ornament this island, without being struck with the skill, which was required to raise it; and feel how greatly its erection must have contributed to the advancement of art and science; how many poor it must have clothed and fed; how much labour it employed; how much talent it called into action; and how greatly all this must have tended to humanise the boisterous spirit of the times; to dispel ignorance; and to introduce the arts, the habits, and the blessings of peace and industry? It is difficult to imagine an institution, *which the spirit of the times would have endured*, that was likely to promote, in a greater degree, peaceful and useful occupations,—the great desideratum of the middle ages.

Permit the writer to add:—For several years, the greatest geniuses of this country have employed their talents on the subject of political economy. Their grand discovery appears to be, that nothing contributes so greatly to the wealth, or strength of the nation, as the *celibacy of those, who have not the means of providing for the offspring of their marriages.* Now, of such persons, monasteries were,—

and of such they are still,—principally composed. Therefore, if the above axiom be founded in truth, and,

- - - - - Hæc Janus summus ab imo

Perdocet, hæc recinunt juvenes dictata, senesque,—

HOR.

it never can apply so well, as in times, when, comparatively speaking, there was so little employment for industry; and consequently, when there existed so few ways, by which a poor man could provide for his family.

8. That *learning* was cultivated in the monasteries, —is a truth, which all candid writers acknowledge; and which every one must own, who has perused with attention and impartiality, the tenth chapter of Mr. Lingard's *Antiquities of the Saxon Church*; —or even the 4th chapter of the third book of *Dr. Henry's learned History of Britain*. “I am “sensible” says Gerardus Tychsen, professor of philosophy, and oriental literature, in the united universities of Butzow and Rostock, in his *Tentamen de variis Codicum Hebræorum Veteris Testamenti MSS. Rostochii*,—that, “it is the general opinion, “that the study of the fine arts was buried during the “middle ages. It is, however, certain, that, while “literature was crushed every where else, she found “a refuge in monasteries.”—“There was not one “religious person at Woolstrobe,” says Mr. Strype\*, “but that he could, and did, use, either embrother- “ing, writing books with very fair hand, making “their own garments, carving, painting, or grafting.”

\* Eccles. Mem. vol. i. p. 255.

—The transcription of useful works considered by the monks to be a useful and a meritorious employment. “To transcribe works,” says the pious Thomas à Kempis, “which Jesus Christ loves, by which the knowledge of him is diffused, his precepts taught, and the practice of them inculcated, is a most useful employment. If *he* shall not lose his reward, who gives a cup of cold water to his thirsty neighbour, what will not be the reward of those, who, by putting good works into the hands of their neighbours, open to them the fountains of eternal life? Blessed be the hand of such transcribers! Which of the writings of our ancestors would now be remembered, if there had been no pious hand to transcribe them!”—It may be added that Thomas à Kempis was himself an excellent copyist: some of his transcriptions,—among them a Latin bible in four large volumes,—still remain, and show his eminence in caligraphy.

To proceed,—For almost all that has been preserved to us of the writers of Greece, or Rome; for all that we know of the languages of those invaluable writers; for all the principal monuments of our holy religion; even for the sacred writings themselves, which contain the word of God; as well as for the traditions of the wise and good, respecting it,—for all these benefits and blessings, we are almost wholly indebted, under Providence, to the monks of the middle ages. Their merit was their own: all the ignorance, or the bad taste, which is justly imputable to them, was owing to the general ruin and devastation occasioned by the

inroads and conquests, of the barbarians; and to the unceasing wars of the barons. But justice, surely, claims our gratitude to these venerable communities, who strove against the barbarism of the times; and who preserved for us all the precious remains of sacred, or profane antiquity, that have reached us; all that we know of our own history, and almost all the historical records that we possess.

9. Far be it from the writer to deny due praise to the biblical exertions of modern times:—But it ought not to be forgotten, that these holy men were the principal instruments employed by divine Providence in preserving the sacred volumes which compose the bible.—We have the names of seven English monks, who translated the scriptures, or some parts of them, into the English language. The venerable Bede expired while dictating a translation of the gospel of St. John.—It has been invidiously observed, that in these times copies of the bible were few. Perhaps the scarcity has been exaggerated. But, that there should have been a scarcity is not surprising. Copies were then only procured by the slow labour of transcription: they were not, as now, instantaneously multiplied by the simultaneous operations of innumerable presses. The transcription of a whole bible must have employed several months; and would, it is supposed, have cost upwards of fifty pounds. Taking this into account, and considering how few among the laity, even in the higher ranks of life, could then read;—considering also the destruction of all monuments of antiquity at the time of the Reformation, we shall



rather be surprised at the number, than scandalized at the scarcity, of the ascertained manuscripts of the sacred volume.

Such, then, were the advantages, derived by the public, and by individuals, from monastic establishments.—“The world,” says a writer in the *Quarterly Review*, for the month of December, 1811, speaking of the Benedictine monks, “has never been so deeply indebted to any other body of men as to this illustrious order; but historians, when relating the evil, of which they were the occasion, have too frequently forgotten the good, which they produced. Even the commonest readers are familiar with the arch-miracle-monger, St. Dunstan; while the most learned of our countrymen scarcely remember the names of those admirable men, who went forth from England, and became the apostles of the north. Tinian, and Juan Fernandez, are not more beautiful spots on the ocean, than Malmesbury, and Lindisfarne, and Jarrow, in the ages of our heptarchy. A community of pious men, devoted to literature, and to the useful arts, as well as to religion, seems, in those ages, like a green oasis amid the desert. Like stars in a moonless night, they shine upon us, with a tranquil ray. If ever there was a man, who could truly be called venerable, it is he, to whom that appellation is constantly affixed—Bede,—whose life was passed in instructing his own generation, and preparing records for posterity. In those days, the church offered the only asylum from the evils, to which every country was

“ exposed; amidst continual wars, the church enjoyed peace: it was regarded as a sacred realm, by men, who, though they hated each other, believed, and feared, the same God. Abused, as it was, by the worldly-minded, and ambitious, and disgraced by the artifices of the designing, and the follies of the fanatic, it afforded a shelter to those who were better than the world, in their youth; or weary of it in their age; the wise, as well as the timid and the gentle, fled to this Goshen of God, which enjoyed its own light, and calm, amid darkness and storms.”—This just and generous tribute of gratitude, and respect, should be inscribed on every ruin, which still exists, of these venerable establishments.

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## CHAP. X.

## THE DISSOLUTION OF MONASTERIES.

1540.

Two Events, I. The suppression of the order of the Knights Templars: II. And the suppression of the Alien Priories, preceded, and, in some measure, prepared the public mind in England for the general dissolution of all the monasteries in the realm. Succinct historical minutes of each of these events, may, therefore, be acceptable to the reader. An account will follow, III. Of the license granted by the pope to cardinal Wolsey,

to dissolve some of the smaller monasteries: IV. Of the dissolution of the remaining smaller monasteries: V. And of the subsequent dissolution of the greater.

### X. 1.

#### *The Suppression of the Order of the Knights Templars.*

It has been mentioned, that the Knights Templars were one of the military orders, established in the church, for the defence of the faith in the east, against the Saracens; and for the protection of the pilgrims, who resorted to the Holy Land. They took their name from a monastery in Jerusalem, given to them by Baldwin, the second king of that city, after its conquest, in the first Crusade. The order was founded in 1118. It was divided into three classes:—To the nobles, was assigned the profession of arms, for the purposes just expressed: the ecclesiastics were appointed to exercise their religious functions, for the benefit of the order: the lay-brothers had the care of the pilgrims and the sick. For several years, the members of the order were distinguished equally for their piety and their valour. St. Bernard composed a panegyric on them; in which language seems to sink under him, while he celebrates their virtues. But insensibly their fervour decayed; and luxury found its way among them. This led to the dissolution of the order. The best view of it is given in the “*Monumens historiques relatif à la condamnation des Chevaliers du Temple, et à l’abolition de leur ordre ; par M.*

*Renouard, membre de l'institut imperial de France; et de la legion d'honneur. 8vo. Paris, 1813."*

This work makes it highly probable, not only, that some laxity of morals prevailed in the order, but that there were also some associations in it, among which the disbelief of christianity was avowed, and was expressed by grotesque and obscene rites. It however shows equally, that neither this infidelity, nor these infidel practices, were general; and, that the credit of the charges brought against the order is fundamentally shaken, by the very means, which were used to prove its guilt.

On the 13th of October, 1307, the grand master, and every Knight Templar, in France, were arrested, imprisoned, and put in irons. A bare sustenance was allowed them. They were refused counsel; the visit of their friends was interdicted. Life, liberty, and reward were offered to those, whose confessions would charge the order with guilt; and, as an inducement to such confessions, a forged one, by the grand master, of its general guilt, was produced.

The individuals, who denied the charge, were delivered to the most horrid tortures. The most common of these was the torture of the *pulley*. The hands of the sufferer were tied behind him; enormous weights fixed to his feet; and the cord, which tied his hands, was brought over a pulley. On a signal, he was suddenly drawn up; then, suddenly let fall, to a distance of some feet from the ground. His whole frame was dislocated by the sudden shock; and, in this state, he long re-



mained suspended. *The fire*, was a still more severe infliction. The sufferer was made to lie upon his back, with his body fastened to the ground. Then, the soles of his feet were anointed with an unctuous matter; and exposed to the fire. The feet of others were inserted in an *iron shoe*; which was gradually compressed, until every bone was broken. The legs of others were screwed into *iron boots filled with quick lime*. That such proceedings should produce several confessions, cannot excite surprise.

In other kingdoms, proceedings were instituted against the order: but they were conducted with much greater form, and with more humanity. The consequence was, that, in those kingdoms, the knights were either honourably acquitted; or only partially condemned. This circumstance detracts also from the authority of the proceedings of the French tribunals.

At the earnest instance of the French monarch, pope Clement V. caused a general council to be assembled at Vienne, in Dauphiné; the knights were solemnly cited to it to defend the order. Nine of them appeared; and were immediately ordered to be imprisoned, and put in irons. At this unjustifiable proceeding, the fathers of the council expressed great indignation.

It is generally supposed, that the order was abolished by the council; but this is a mistake. The pope assembled the cardinals, and several prelates, in a secret consistory; and there, abolished the order by his own authority. At the second sessions

of the council he published the decree of abolition. The members present heard it, (it cannot be said they accepted it), in solemn silence. Four days afterwards, the pope, in his bull, *Considerantes dudum*, announced, that the charges against the order were sufficiently proved, to render them strongly suspected; but, not sufficiently proved, to authorize a judicial sentence. For this reason, he professed to have abstained from a definitive sentence; and only passed a provisional condemnation. It is observable, that Clement XIV. in his bull for suppressing the order of the Jesuits, adverts to the above circumstance; and expressly says, that “the general council of Vienne, to whose examination the pope had committed the business, advised him to adopt this provisional mode of proceeding.”

Combining all these circumstances, it seems impossible not to acquit the Templars from the general guilt imputed to their body. If some members were chargeable with irreligion, their number was not great; if some irreligious associations were formed, these must have been exceedingly few. They seem to have been merely meetings of sensuality. It is evident, at least, that nothing of the metaphysical speculations of atheism entered into them.

The last act of the tragedy was the burning of the grand master, Jacques de Molay. He was of an illustrious house in Burgundy; and, at the time, when the storm burst on the order, was carrying on with great valour, a war, in the island of Cyprus, against the Turks. By the command of the pope,

he quitted it, and, attended by sixty of his knights, all of noble birth, repaired to Paris. Immediately on their arrival, they were cast into prison. The grand master was cruelly tortured. Subdued by the violence of the torments, he confessed the general guilt of the order. He was then remanded to prison, and continued in it during six years. On the 18th March, 1313, he was summoned, with three chief dignitaries of the order, before the three commissaries of the cause; and required to acknowledge his guilt. Turning his face to the assembled multitude, "It is most just," he said aloud, "that, on this horrible day, and, in these last moments of my life, I should proclaim the iniquity of falsehood; and make virtue triumph. I therefore acknowledge, before heaven and earth, that I have been guilty of the greatest crime. But, it was, when I confessed the truth of the charges made against the order. I now attest its innocence. The love of truth obliges me to declare it. I asserted the contrary, merely to suspend the excessive tortures inflicted on me; and to soften the hearts of those, who inflicted them. I am aware of the torments, which have been inflicted on those who have had the courage to retract their confessions: but, this dreadful spectacle is not sufficient to make me confirm a first lie by a second. Rather than comply with so infamous a condition, I renounce life."

A knight, who attended him, made a similar declaration. A council of state was immediately assembled by order of the king; who condemned both

to perish by a slow fire. They were, accordingly, fastened to an iron stake; and a small fire was lighted under them. In this horrible situation they long continued,—protesting their innocence to the last.

Some readers may, perhaps, acquit the Templars wholly of the charges imputed to them. This, perhaps, is going too far: yet it should not be forgotten, that the evidence against them arises, altogether, from the depositions taken before commissioners appointed by their enemies, and extorted from the witnesses by hopes, intimidation, and torture; while every method was used to mislead the judgment; to inflame the imagination, and to rouse the passions of the public against them. If, from such materials, and under such circumstances, arguments, so powerfully vindicating their innocence, have been collected, how would the case have stood, had they been allowed to make their own statements; to urge their own defence; and to expose, in their own manner, the artifices and cruelty, of their adversaries?

## X. 2.

### *The suppression of the Alien Priories.*

THE Alien Priories may be considered as filiations from the foreign abbeys. Some of them depended entirely upon their foreign parents,—receiving from them their priors; and remitting to them, all that remained of their income, after supplying the necessary wants of the community. The dependence of the others was almost nominal.



They elected their own priors, and were absolute proprietors of their own estates. The former had long been the objects of the jealousy of the English government, on account of their sending out of the country a large proportion of the revenues. In the fourth year of Henry V., when he was at war with France, an act was passed by which all the alien priories were suppressed, and their estates vested in the crown.

### X. 3.

*License granted by the pope to Cardinal Wolsey, to dissolve several of the smaller Monasteries.*

To the attacks, which were made upon monasteries by Henry the eighth, Wolsey precluded, by the license, which, in 1525, he obtained from the pope, to dissolve several of the smaller communities. The pope had attached to this license a condition, that no monastery should be dissolved without the previous consent of the king, and its founders. The consent of the king was readily obtained. What arrangements were made with the founders, or their representatives, does not appear. The suppressed houses, and their possessions, became the property of Henry. He conferred them, by new grants, on the cardinal; who annexed some of them to the college at Oxford; and others, to the college at Ipswich, which he had founded. The former is called Christ Church; the latter, immediately after the decease of the cardinal, was neglected, and fell to ruin.

## X. 4.

*The Dissolution of the remaining smaller Monasteries.*

HENRY determined on the general dissolution of all the monasteries within his realm, soon after he had assumed the title of supreme head of the church. His first attack was levelled at the smaller institutions, or those, whose yearly income did not exceed two hundred pounds. With this view, he appointed Thomas Cromwell,—(who, from a very low situation, had raised himself by his talents, to the rank of secretary of state),—to be his vicar-general, and vicegerent; with authority to visit all ecclesiastical persons, and communities, within his dominions; to rectify and correct all abuses; and, generally to do every thing that the king could do, as supreme head of the church. Henry also authorised him to delegate to others, any portion of the authority thus conferred upon him. Cromwell, accordingly, signed several commissions, authorising the persons named in them to visit all churches, monasteries, and priories, both of men, and women; and to inquire into the conduct of archbishops, bishops, and other dignitaries; as well as into the conduct of all superiors of religious houses, both in spirituals, and temporals; with directions to make their reports to him on all these circumstances. The visitors,—probably, in conformity to the injunctions given to them by Cromwell,—abstained from interfering with the secular clergy: but made a general visitation of all the religious houses. With some

exceptions, the report was, in the highest degree, unfavourable to them. The smaller monasteries were said to be the most irregular. The king, already determined on their destruction, dissolved, by an act of the thirty-seventh year of his reign, all the houses of monks, canons and nuns, which had not above two hundred pounds yearly revenue; and which did not contain more than twelve members; vesting, at the same time, in himself, all their real and personal property. The number of houses, dissolved by this act, was three hundred and seventy-six. Their annual revenue was computed at thirty-two thousand pounds; their personal effects, at one hundred thousand pounds.

#### X. 5.

##### *The Dissolution of the greater Monasteries.*

IN 1537, the king ordered a visitation to be made of the remaining, or greater houses. The commissioners were directed to inquire into the practices, by which the religious, as it was alleged, had deceived the people; and nourished superstition, to enrich themselves.

Many of the monks were so much alarmed at the report of this visitation, that they surrendered their houses, and possessions to the king, without waiting the arrival of the visitors. "The chief employment of the visitors, in this, and the two following years," says Doctor Henry\*, "seems to have

\* History of Great Britain, vol. vi. p. 443.

“ been settling the surrenders of the monasteries,  
“ and the pensions of the abbots, priors, and monks;  
“ making surveys of their estates; taking possession  
“ of their relics, jewels, and plate, which in some  
“ houses was of great value: selling their furni-  
“ ture, pulling down their churches, and such of  
“ their other buildings, as were only suited, and  
“ useful, to monastics; disposing of their bells,  
“ lead, and other materials. It is incredible how  
“ many magnificent churches, cloisters, libraries,  
“ and other buildings, which had been erected at an  
“ immense expense of money and labour, were un-  
“ roofed and ruined in the short space of three  
“ or four years. To this dreadful havoc, Henry,  
“ and his courtiers were prompted, partly by their  
“ avarice, and partly to prevent the re-establish-  
“ ment of monasteries. To finish this great affair,  
“ a parliament was called, which met at West-  
“ minster, April 28th, in the year 1540. On the  
“ 13th of May, a bill was brought into the house,  
“ for granting to the king, his heirs, and succes-  
“ sors, all the houses, lands, and goods, of all the  
“ abbeys, priories, nunneries, chantries, hospitals,  
“ and religious houses, that had been already sur-  
“ rendered, or suppressed; or that should there-  
“ after be surrendered, or suppressed. The bill  
“ passed both houses, with much less opposition  
“ than might be expected; and, in consequence of  
“ it, all the possessions of six hundred and forty-  
“ five convents, ninety colleges, two thousand three  
“ hundred and seventy-four chantries, and free  
“ chapels; and one hundred and ten hospitals,



“ were annexed to the crown. The yearly rent  
“ of their lands was estimated at one hundred and  
“ sixty thousand pounds. The jewels, plate, fur-  
“ niture, and other goods, must have amounted to  
“ a prodigious sum, of which no computation can  
“ now be made.”

A very small proportion only of the property of the convents was appropriated to the service of the public. The whole was soon distributed by the monarch, with a prodigal hand, among his courtiers. The best account of this extraordinary event, which has come to the hands of the writer, is given in Mr. Collier's Ecclesiastical History. He sheds a generous tear over the sufferers; and, while he admits the criminality of some individuals, and the disorders of some houses, he honourably and successfully advocates the general integrity of the body.

In the opinion of the writer of these pages, the report of the commissioners is wholly unworthy of credit.—We have seen, how little attention to truth, and how gross a violation of justice, were shown, even in the proceedings of the parliament, and in the highest courts of justice, against the most exalted and distinguished personages, whom the king wished to oppress; and whom all, except the king, wished to save. How much less, then, must naturally have been the attention paid, either to truth or justice, where monks and nuns were to be persecuted? Where obscure individuals were appointed to report upon their conduct; where the king was determinately bent upon their ruin; where his courtiers

were indifferent to their fate; and where plunder of them was the general aim;—the immediate expectation of many, and the sanguine hope of almost all!

## X. 6.

*The loss which Learning sustained by the Dissolution of Monasteries.*

THE loss, which learning sustained by the destruction of books and manuscripts, was great. Bale, a man remarkably hostile to the Roman-catholic religion, and to monastic institutions, says\*, that “a number of them, which purchased these superstitious mansions, reserved of those library books, some to form their jakes; some to scour their candlesticks; and some, to rub their boots. And some, they sold to grocers, and soap-sellers; and some they sent over the sea to the book-binders, not in small numbers, but at times in ships. I know a merchant, (who shall, at this time, be nameless), that bought the contents of two noble libraries, for forty shillings price. A shame it is to be spoken. This stuff has been occupied instead of grey paper. I judge this to be true, —and utter it with heaviness,—that neither the Britains, under the Romans and Saxons; nor yet the English people under the Danes and Normans, had ever such damage of their learned monuments, as we have, in this our time. Our

\* Declaration upon Leland's Journal, ann. 1549. Fuller's Church History, book vi. p. 333.

“posterity may well curse the wicked fall of our  
“age; this unreasonable sport of England’s most  
“noble antiquities.”

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## CHAP. XI.

POPE PAUL THE THIRD EXCOMMUNICATES HENRY  
THE EIGHTH.

IT has been related, that, when Clement the seventh pronounced his sentence for the validity of Henry’s marriage with Katherine of Aragon, it was accompanied with a threat of excommunication, in case he refused to adhere to the marriage. “But the pope lived not,” says Echard\*, “to execute any censures against the king. So that, instead of the matter’s being past reconciliation, there was only a sentence, annulling what the archbishop of Canterbury had done.” Moderate men, therefore, still hoped, that an amicable adjustment between the parties might yet be effected.

Clement the seventh died about six months after he had pronounced the sentence on the divorce. He was succeeded by Paul the third, of the illustrious family of Farnese; and the hopes of a satisfactory arrangement between the monarch and the see of Rome were increased by his elevation; as, when cardinal, he had favoured the cause of Henry.

\* History of England, vol. ii. p. 281.

But they vanished on the execution of bishop Fisher. Soon after the news of this event had reached Rome, the pope issued a bull, by which he cited Henry to appear before him within ninety days ; failing which, he declared the monarch excommunicated, and laid the whole kingdom under an interdict. Whatever a catholic may think of the prudence of the excommunication, he must admit, thus far,—that a right to excommunicate a member of the catholic church, be he sovereign, or be he subject, belongs to the pope. But, unfortunately, the pontiff did not confine himself to excommunication. By an assumption of authority, of which, subsequently to the elevation of Gregory the seventh, the papal history affords but too many examples, he deprived Henry of his crown ; dissolved all leagues of catholic princes with him ; gave away his kingdom to any invader ; commanded his nobility to take up arms against him ; freed his subjects from all oaths of allegiance ; cut off their commerce with foreign states ; and declared it lawful for any one to seize them, to make slaves of their persons, and to convert their effects to their own use.

It remains to add, that the pope withheld the publication of the bull till the act of parliament for the dissolution of the greater monasteries had passed, and was carried into execution. Then, by another bull, he confirmed, and established, the former. A full account of each of these bulls is given by Dodd, in his *Church History of England* \*.

The separation from the church was now con-

\* Vol. i. p. 294, 297.



summatèd. May the writer be permitted to suggest, that, amid the various causes of this great calamity, not any, perhaps, had greater influence, than the mistaken notions, entertained on both sides, respecting the nature of spiritual, and temporal power. When the pope assumed the temporal, and the king assumed the spiritual, each was equally in the wrong.—If, by a happy anticipation, a Bossuet had arisen, and explained to the pope, that he had no right to legislate in temporal concerns, or to enforce his spiritual legislation by temporal power,—and to the monarch, that he had no right to legislate in spiritual concerns, or to enforce his temporal legislation by spiritual power,—it is possible, that the schism might have been avoided; and a moderate scheme of reformation adopted, which would have satisfied the wise, and the good, of both parties.

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## CHAP. XII.

### ECCLESIASTICAL REGULATIONS IN THE REIGN OF HENRY.

TO give the reader a notion of the religious alterations introduced into England by Henry, and his successors, it seems proper to state, succinctly, I. The different religious systems of the primitive Lutherans, Zuinglians, Calvinists, and Anabaptists:

II. A summary account of the ecclesiastical regulations, in the reign of Henry the eighth, respecting the general reading of the bible in the English language, by the laity : III. His guidance of the faith, and devotions of his subjects : IV. His persecutions : V. and death.

## XII. 1.

*Preliminary view of the different religious systems;—*

- 1st. *Of the Lutherans; 2dly. Zuinglians; and 3dly. Calvinists;*
4. *Their different notions respecting the ceremonial of religion; and the subjection of its ministers to the state;*
5. *A short mention will then be made of the religious tenets of the primitive Anabaptists.*

THE author's historical and literary account of the *Formularies, Confessions of Faith, or symbolic books, of the Roman-catholic, Greek, and principal Protestant Churches*, 1 vol. 8vo., will, perhaps, be found to present a distinct outline of the creeds of the founders of these religious communions.

1. The tenets of the *Lutherans* are accurately, and fully, expressed, in the confession of Augsburg:—a solemn formulary of faith, presented, in 1530, by the Lutheran princes of Germany to the emperor Charles V. at a diet, holden in that city. The distinctive articles of the Lutheran creed are,—that, in the sacrament of the eucharist two things are exhibited, and received together;—the one, earthly, which is bread and wine; the other, heavenly, which is the body and blood of Christ:—That, in Christ, there are two distinct natures,—

the divine, and the human ; and that these remain eternally unconfined, inseparable, and undivided :— That, by baptism God saves us ; and works in us, justice, and purgation of our sins ; that he who perseveres to the end, in that covenant, and hope, does not perish, but has eternal life ;—and that Christ died for all men ; and wills that all men should be saved.

2. In opposition to the Lutheran doctrine on the eucharist, the *Zuinglians* maintained, that, in the sacrament, the bread and wine are only signs and symbols of the absent body of Christ ; so that the eucharistic rite is merely a pious, and solemn ceremony, instituted or ordained to bring the passion, and the death, of Christ to the remembrance of the faithful.—In the doctrines, respecting baptism, the Lutherans and *Zuinglians* generally agree : With the doctrines, concerning the will of God for the salvation of the whole, or a part only of mankind, the *Zuinglians* did not meddle.

3. *Calvin* maintained, that when the true christian receives the sacrament of the eucharist, with a lively faith, he is united indescribably, but yet *really*, to Jesus Christ incarnate : so that, to him, Jesus Christ is *really*, though *not corporally*, present in the sacrament. Thus, when Calvin advocated the reality of the presence, he seemed to hold the language of Luther : When he denied the corporeal presence, he seemed to speak the language of *Zuingle*.—According to Calvin, baptism is not absolutely essential to salvation ; and not all, but the elect only obtain by it, the grace

of God, and the gifts of faith. Calvin also maintained, without any qualification, that God, from all eternity, predestinated one part of mankind to everlasting happiness ;—the other, to everlasting misery : and that he was led to make this distinction by no other motive than his own mere pleasure.

4. On their notions, respecting the use of ceremonies in religion ; respecting the gradations of rank in the hierarchy ; and respecting the subordination of the ministers of the church to the magistracy, there was a considerable difference of opinion among the first reformers. *Much* ceremonial, *much* gradation of rank, *much* subordination to the magistracy, was allowed by the Lutherans ; *less*, by the Zuinglians ; *next to none* by the Calvinists. In doctrine, and discipline, the Calvinists and the English puritans agreed almost entirely. It is observable, that, though their formularies sound differently, yet the doctrine of Zuingle, that the eucharist is no more than a solemn rite, has insensibly obtained admission into all the protestant churches.

5. The *Anabaptists* were not, at the time of which we are speaking, that peaceable, and respectable community, who are now distinguished by this appellation. They then held, — as they hold still, — that baptism ought to be administered only to those who have attained to years of understanding ; and that then, it should be performed by immersion ; — a harmless doctrine, so far as civil society is interested. But, they were accused, and not without



foundation,—of teaching, that “all things ought to be in common among the faithful; that taking interest for the loan of money, tithes, and tribute, ought to be entirely abolished; that, in the kingdom of Christ, civil magistrates are absolutely useless; and that God still continues to reveal his will to certain persons, by dreams, and revelations \*.”

## XII. 2.

*Ecclesiastical regulations in the reign of Henry the eighth, respecting the general reading of the Bible, in the English language, by the laity; and some account of the translation of it, 1st, by Tyndale; and 2dly, by Coverdale: 3dly. Of the edition of the latter by Cranmer: 4thly. And of the proclamations, and legislative enactments, respecting them.*

WHEN Henry assumed the title of head of the church, it was naturally expected that he would have receded much farther, both in doctrine, and discipline, from the see of Rome, than he did, in reality. Respecting the propriety of a farther reformation, his council was much divided. Anne Boleyn, the new queen, Cranmer, who had succeeded Warham in the see of Canterbury, Lord Cromwell, and several other persons of distinction, were warm advocates for it. On the other hand, it was strenuously opposed by the lord chancellor, the duke of Norfolk, and the bishops of Winchester and Rochester. To their opinion, the king was strongly inclined, both from principle and affection.

\* Mosheim's Ecc. History, cent. xvi. ch. iii. sect. 5.

By education he was attached to the catholic church: By his writings in her defence, he had acquired great renown; he was proud of his title of defender of the faith; and prouder still of his spiritual supremacy over the church of England. On the other hand, the savage and contemptuous treatment, which he had received from Luther, alienated him from that reformer, and his adherents; while the severe simplicity of the creeds and liturgies, of Zuingle and Calvin, had no attractions for him. Still, he was fond of exercising his spiritual authority; and willingly interfered in the concerns of the church. The chief of his interferences we shall notice. We shall therefore succinctly mention, 1st, his principal proclamations, and legislative enactments, respecting the general reading of the bible by the laity; and 2dly, the most remarkable of his doctrinal regulations.

The new translation of the bible afforded the monarch an early opportunity for the exercise of his spiritual supremacy. It is well known, that, since the troubles, occasioned by the Albigenses, in the 9th and 10th centuries, it has been a point of catholic discipline, to prohibit, to the laity, the reading of the scriptures in the vulgar tongue, without the special leave of their respective pastors\*. The reformers were anxious that such translations of them should be made, and generally circulated.

\* This is shown in the writer's "Essay on the Discipline of the Church of Rome respecting the general perusal of Scripture, in the vulgar tongue, by the Laity, in the Appendix to the Confessions of Faith already cited.

1. There are many *Anglo-Saxon* versions of different parts both of the Old and the New Testament. Of the translation by archbishop Elfric, we have,—of the Old Testament, *the Heptateuch*, published by Edmund Thwayte at Oxford, in 1699;—and, of the New Testament, the Gospels only, published by Matthew Parker, London, 1571. They were reprinted by Franciscus Junius, and Thomas Marshal, at Dordrecht, with the Mæso-gothic version, 1665, 4to. reprinted at Amsterdam, in 1684. An Anglo-saxon version of the Psalms, evidently translated from the Vulgate, was published by Sir Henry Spelman.

2. It is generally said, that the most antient *English* translation of the bible is that of Wickliffe. This is untrue:—"The hole bible was, before "Wycliffe's days, by virtuous and learned men, "translated into the English tong, and by good "and godly people, with devotion and soberness, "well and reverently read."—*Sir Thomas More, Dialogue III. ch. 14.* In the *preface to Wickliffe's Bible*, by Lewis, mention is made of two English translations of part of the bible, still existing in manuscript, and anterior to Wickliffe's. His translation was finished about the year 1367; and revised by one of his followers. Both the original, and the revised translation, are still extant in manuscript: the manuscript copies of the latter are more rare, than those of the former. In the writer's *Horæ Biblicæ*, sect. xv., it is said that printed copies of it are not uncommon.—This is a great mistake, as the work was never printed.

3. In compliance with the wishes of the reformers, *William Tyndale*, a Welchman, settled at Antwerp, assisted by John Fry, a learned layman, and William Roye, a friar, translated the New Testament from the Greek, into English. In 1526, he published his translation ; and procured several copies to be conveyed to England. The success it met with induced him to continue his labours. In 1530, he published a translation of the Pentateuch from the Hebrew. Numerous editions of the New Testament, and some of the Pentateuch, were printed.

4. In 1535, *Myles Coverdale*, an Augustinian friar, published a complete translation, made by himself, of all the Old and New Testament. These translations,—Tyndale's, in particular,—gave offence ; and great efforts were made to suppress the copies. Among his assailants, Tyndale had the honour to reckon sir Thomas More. Several propositions, which sir Thomas extracted from the writings of Tyndale, are as opposite to those of the church of England, as they are to those of the church of Rome. “ If he is not misreported,” says Collier \*, “ he has failed, both in truth and decency “ in several material points. In short, his heterodoxies are too visible to reckon him amongst the “ reformers of the English church.” Coverdale's translation was thought less objectionable than Tyndale's ; and was, therefore, more favourably received by the public.

5. At length, the wish to have an authorized

\* Eccles. Hist. vol. ii. p. 72.



version of the Bible was so general, and so strongly expressed, that in 1536 the clergy petitioned the king, that “ he would graciously indulge his subjects of the laity with the reading of the Bible, “ in the English tongue; and have a new translation “ of it made for that purpose.” Soon after this petition was presented, Cromwell, “ the vicegerent “ of his majesty for and concerning, all the jurisdiction ecclesiastical within his realm,”—(this is the title which he assumed in the instrument in question),—issued his celebrated injunctions to the clergy. By the 9th of these, he ordered, that “ every person, or proprietary of any parish church “ should provide a book of the whole Bible, both “ in Latin and English; and lay the same in the “ quire, for every man that would, to loke, and read, “ thereon; and that no man should be discouraged “ from the reading any part of the Bible, in Latin, “ or in English.” In consequence of this injunction, a new version of the whole Bible was printed, in 1537. It consisted of the translation of Tyndale, so far as this extended. What Tyndale had left undone, was supplied from the translation of Coverdale. In the title, it was said to be translated by Thomas Mathewe,—a fictitious name. It was printed abroad; but, in what place, is not known. The types are certainly German. Amongst bibliographers, it is generally styled “ Mathewe’s Bible.” A revised edition of it was published, in 1539; which archbishop Cranmer was supposed to have superintended. It is, hence, usually called *Cranmer’s Great Bible*.

4. In May 1540, the king issued a proclamation, requiring curates "to provide themselves with this "Bible." It fixed the price at two shillings, un-<sup>ten</sup>bound; and directed, that it should not exceed twelve shillings, well bound, and clasped. But his majesty gives the people to understand, that "his "allowing them the holy scriptures, in their own "mother tongue, was not his duty, but his goodness "and liberality, to them\*."

Other proclamations, of the same import, were issued. But, by the act, passed in the last year of the reign of his majesty, "for the advancement of "the true religion,"—after reciting in the preamble, that "the people had abused the liberty with which "the king had indulged them, of reading the "scriptures," Tyndale's translation is condemned as crafty, false, and untrue; and all the books of the Old and New Testament of that translation, are abolished, and forbidden to be read. Other translations were declared not to be included in the act: but, if there should be found any annotations in them, they were to be cut, or blotted out; except summaries of chapters. None, but persons specially appointed by his majesty, were to read them, in any church, or open assembly; but the chancellor, captains of the wars, the king's justices, the recorder of any town, the speaker, and some others, might continue to use them as before. Any noblewoman and gentlewoman might read the Bible privately. Women of lower degree, artificers, apprentices,

\* Lewis's History of English Translations of the Bible, p. 137.

journeymen, serving husbandmen, and labourers, were prohibited from reading the Bible, or New Testament, to themselves, or any other person.

## XII. 3.

*Ecclesiastical regulations of Henry, respecting the Faith, and Devotions, of his subjects.*

HENRY's pastoral solicitude for the spiritual welfare of his subjects was not confined to their reading of the Bible. Formularies also of faith, and some books of devotion, were published by him, or by his direction, for their use. The principal of these are 1, his *Primer*; 2, his *Ten Articles* of religious belief: 3, the work called, *The Institution of a Christian Man*: 4, his *Six Articles* of religious belief.

1. The first edition of his *Primer* is said, in the title-page, to be printed by John Biddle, on the 16th June, 1535. It was published, with the approbation, but without the formal authority, of the king. When, by the act of parliament already mentioned, the reading of the Bible was prohibited to all persons under the rank of gentlemen, the *Primer* was expressly saved from the prohibition. Abstracting from the circumstance, that it condemns the offering of prayer to angels and saints, its doctrines accord with those of the catholic church.

2. The innovations in religion occasioning much diversity in the doctrines delivered from the pulpit, his majesty, on the 12th July 1536, sent a circular letter to the bishops, enjoining them to abstain from preaching, until the ensuing Michaelmas. In the

mean time he framed *Ten Articles* of faith ; and sent them to the convocation, which was then sitting, at St. Paul's. They were received, with great respect ; passed, by an unanimous act, and then signed by his majesty. They run in his name ; and were published, by his authority. Baptism, penance, the sacrament of the eucharist, with the doctrine of transubstantiation, auricular confession, and prayers to the saints, are retained in them. They omit the article of purgatory. The scriptures, and ancient creeds, are made the standards of faith.

3. The *Institution of a Christian Man* was published in 1537, by Berthelet. It was recommended, and subscribed, by the two archbishops, nineteen bishops, and the lower house of convocation. It contains an explanation of our Lord's prayer, the creed, the seven sacraments, the decalogue, the ave maria, justification, and purgatory. It is observable, that it maintains, in its fullest extent, the doctrine of passive obedience ; and that, in the article of orders, it declares, that, " after the conversion of kings and princes, the bishop had recourse to the assistance of the secular magistrate. This was done to reinforce the jurisdiction of the church by the civil sanction. For the church has no authority to inflict pecuniary, or corporal, punishment."

4. In the parliament of the year 1538-9,—the last that was holden in the reign of Henry,—*the act passed for abolishing diversity of opinions*. After a preamble, it propounds " certain articles con-



“cerning christian religion.” From the number of the articles, and the severity with which the act was carried into execution, several writers have called it, *the bloody Statute of the Six Articles*.

The six articles are,—

“ 1st. That in the sacrament of the altar, after  
“ the consecration, there remains no substance of  
“ bread and wine; but, under these forms, the  
“ natural body and blood of Christ are present.

“ 2dly. That communion of both kinds is not  
“ necessary to salvation, to all persons, by the law  
“ of God; but that both the body and flesh of  
“ Christ are together in each of the kinds.

“ 3dly. That priests may not marry by the law  
“ of God.”

“ 4thly. That vows of chastity ought to be ob-  
“ served by the law of God.

“ 5thly. That private masses ought to be conti-  
“ nued, which, as they are agreeable to God’s law,  
“ so men receive great benefit from them.

“ 6thly. That auricular confession is expedient  
“ and necessary, and ought to be retained in the  
“ church.”

It was, moreover, enacted, that if any person should preach or write against the first article, he should be judged an heretic, burned, without any abjuration, and forfeit his real and personal estate to the king. Those who preached, or disputed, against the other articles, were to suffer death, as felons, without benefit of clergy. And those, who, either in word or writing, declared against them,

were to be imprisoned, during the king's pleasure ; to forfeit their goods and chattels, for the first offence ; and suffer death, for the second.

## XII. 4.

### *Persecutions of those who opposed the faith or doctrine of Henry.*

IN a former page, a general mention has been made of fifty-nine persons, who received the sentence of death for denying the spiritual supremacy of Henry. The same severity was exercised on those, who denied the doctrine of transubstantiation.

On one occasion, the same cart conveyed three catholics, and three protestants, to execution ;—the former, for denying the king's supremacy ; the latter for denying the doctrine of transubstantiation. The catholics were hanged, drawn, and quartered,—the punishment of treason : The protestants were burned,—the punishment of heresy. They all, to the last, persisted in their opinions ; and, with their dying breath, forgave their enemies. The execution of the protestants is remarkable, from this circumstance, that several of the council of state, who advised, or consented to the measure, were known to disbelieve the doctrine of transubstantiation ; and, in the following reign, concurred in the same sanguinary measures against those who continued to believe it.

Of those, who suffered in the reign of Henry, for the disbelief of transubstantiation, the execution of

Lambert was the most remarkable. Being accused of heresy and brought before archbishop Cranmer, for denying the real presence, he appealed to the king, as supreme head of the church of England. The king accordingly ordered him to be tried before himself, in Westminster Hall; and caused letters to be sent to all the prelates, principal nobility, and commoners of England, to attend it. He appeared in great state on the occasion. He sat under a white canopy; arrayed in all the insignia of majesty, and clothed in white garments,—emblematic of the purity of faith. The spiritual peers were placed on his right hand; the temporal, on his left. The judges, and most eminent lawyers were placed behind the bishops: The officers of state, and the most distinguished courtiers, were ranged behind the temporal peers.

Lambert acknowledged his disbelief of the real presence of Christ in the sacrament; and, being called upon to defend his opinion, supported it with learning and acuteness. The king replied:—"It was a wonder,"—Cromwell wrote to Sir Thomas Wyatt, his majesty's ambassador in Germany \*, "to see, with how much excellent gravity, and inestimable majesty, he exercised there, the very office of supreme head of the church of England! How benignly his grace essayed to convert the miserable man! How strong, and manifest reasons his highness alleged against him! I wish the princes and potentates of christendom to have

\* Coll. Ecc. Hist, vol. ii. p. 152.

“ had a meet place to have seen it. Undoubtedly,  
 “ they would have much marvelled at his majesty’s  
 “ most high wisdom and judgment, and reputed  
 “ him no otherwise, after the same, than, in a  
 “ manner, the mirrour and light of all other kings  
 “ and princes in Christendom.” Cranmer, and  
 the other bishops, frequently came to the aid of  
 his majesty : Lambert replied. The trial lasted  
 five hours ; at length, quite exhausted, Lambert  
 stood silent : Cromwell, as vicar-general, pro-  
 nounced sentence upon him, which was executed  
 with uncommon circumstances of cruelty.

## XII. 5.

*The death of Henry the eighth :—Genealogical account of  
 the descendants from Henry the seventh, till the accession  
 of the Stuart dynasty*

1547.

HENRY finished his reign on the 29th of Ja-  
 nuary 1547. There seems some reason to suppose  
 that, in his latter years, he wished to be reconciled  
 to the see of Rome. By his will, he directed large  
 sums of money to be distributed for prayers for his  
 soul.

Without a clear view of the royal genealogy of  
 England, from the time of the union of the houses  
 of York and Lancaster, in the person of Henry the  
 eighth, till the reign of James the first, it is im-  
 possible to obtain an accurate notion of the events,  
 even in the ecclesiastical history of England, during



that period. We shall, therefore, present it to the reader in the form of a Table, simplifying it as much as its complex nature will admit.

The title of Henry the eighth to the crown was clear and undisputed. In his reign the succession was regulated by several legislative enactments.

1. *By an act of the 25th year of his reign*, the crown was entailed to his majesty, and to the heirs male of his body, failing these to the lady Elizabeth, who was declared to be the king's eldest issue female, and to the heirs of her body,—(in exclusion of the lady Mary on account of her supposed illegitimacy, in consequence of the divorce of Henry from her mother Katharine of Arragon),—and so on from issue female to issue female, by course of inheritance, according to their age; and failing these to the king's right heirs.

2. *Upon the king's divorce from Anne Boleyn*, the lady Elizabeth was bastardised, and the crown settled on the eldest children of the king by lady Jane Seymour, and his future wives; and failing these, to the persons to whom the king should limit the same by letters patent, or will.

3. But, *by a statute of the 35th of his reign*, the lady Mary, and lady Elizabeth were legitimated, and the crown limited to prince Edward by name, and the heirs of his body, failing these, to the lady Mary, and the heirs of her body; and failing these, to the lady Elizabeth, and the heirs of her body; and failing issue of both his daughters, to such persons as his majesty should appoint by letters patent, or his will.

ARTHUR,  
 Prince of Wales,  
 K.G., married 14th  
 November 1501,  
 Katharine, daugh-  
 ter of Ferdinand  
 king of Spain;  
 died 5. P. 2d April  
 following; buried  
 in Worcester  
 Cathedral.

HENRY VIII. — born 28th June 1491;  
 crowned in 1509;  
 died 28th January  
 1546.

1st Wife. — KATHARINE — daughter of  
 Ferdinand  
 king of Spain;  
 married 1509;  
 repudiated  
 1533.

2d Wife. — ANNE — Boleyn,  
 beheaded  
 19th May  
 1536.

3d Wife. — JANE — SEYMOUR,  
 daughter  
 of Sir John  
 Seymour;  
 married  
 20th May  
 1536;  
 + 1537.

4th Wife. — ANNE — of Cleves,  
 married  
 1539;  
 repudiated  
 1540.

5th Wife. — KATHARINE — HOWARD,  
 Niece of the  
 Duke of Norfolk;  
 married 1540;  
 beheaded 1541.

6th Wife. — KATHARINE — FARR,  
 Sister of Wm.  
 Marquis of  
 Northampton,  
 married 1543;  
 + 1548.

1st Husband. — JAMES IV.,  
 King of Scotland;  
 slain at  
 Flodden field  
 9th Septem-  
 ber 1513.

MARGARET — Queen of  
 Scotland;  
 born 29th  
 November  
 1489.

2 Sons; died  
 Infants.

MARY — Queen of England;  
 born 8th February  
 1515; crowned 30th  
 November 1533;  
 married 23rd July  
 1554; died 17th  
 November 1558.

PETER II. — of Spain.

A Son,  
 died an  
 infant.

ELIZABETH,  
 Queen of  
 England; born  
 7th Sept. 1533;  
 crowned 15th  
 Jan. 1558-9;  
 died 24th March  
 1602-3.

King EDWARD VI.,  
 only child by  
 3d Wife; born  
 1537; crowned  
 23rd Feb. 1546;  
 died 6th July  
 1553.

1. JAMES;  
 2. ARTHUR;  
 3. JAMES V.,  
 4. ALEXANDER,  
 Duke of Rothesay;  
 all died young.

1st Queen. — MARGARET — of France,  
 + 1542,  
 without  
 issue.

JAMES V. — King of  
 Scotland;  
 died 13 Dec.  
 1542.

2d Queen. — MARY. — Daughter  
 of Claude,  
 Duke of  
 Guise;  
 married  
 1538;  
 + 1560.

MARGARET — born 1516;  
 only Daughter  
 and Heir;  
 died 10 March  
 1577.

JAMES — died young.

1st Husband. — FRANCIS II.,  
 King of  
 France,  
 + 5th Dec.  
 1560.

MARY — Queen of  
 Scotland,  
 born 1542;  
 beheaded  
 8th Feb. 1567.

HENRY,  
 an elder Son,  
 died an Infant,  
 and without  
 issue.

2d Husband. — HENRY — Earl of  
 Danby,  
 + 1563.

3d Husband. — JAMES — HENRY,  
 Earl of  
 Bothwell.

CHARLES — STRAIT,  
 Earl of  
 Lenox.

JAMES VI. — King of  
 Scotland, and  
 first of that  
 name King  
 of England.

ARAB — Daughter  
 Heir;  
 without H  
 27th Se  
 1615.

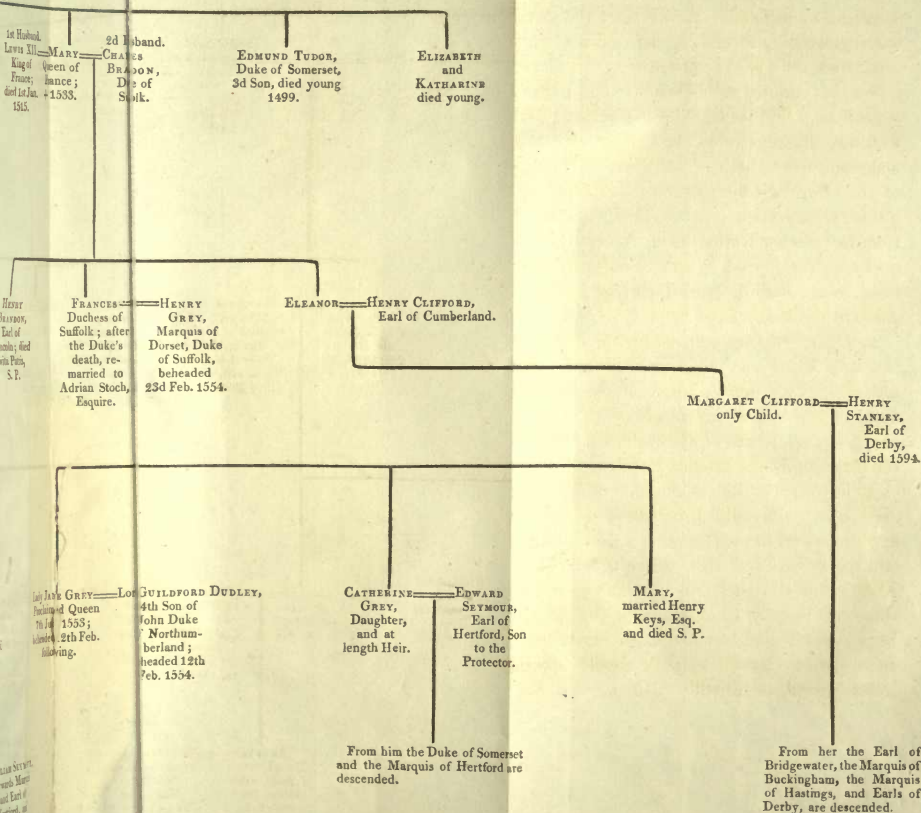
Eldest Daughter of King  
EDWARD IV. and Sister of  
King Edward V.;  
married 18th January 1486;  
died 1502.

2d husband  
-CHAS  
BRIDON,  
Jr of  
Folk.

HENRY  
GRY,  
Marquis of  
Dorset, Duke  
of Suffolk,  
beheaded  
23d Feb. 1554

GUILDFORD D  
4th Son of  
John Duke  
of Northum-  
berland;  
headed 12th  
Feb. 1554.

ARABELLA = WILLIAM SEYMOUR,  
Daughter and afterwards Marquis  
Heir; died and Earl of  
without Issue, Hertford, and  
27th Sept. Duke of Somerset.  
1615.







4. *By his will* Henry limited the crown, in default of issue of his daughters, to the heirs of the body of lady Frances, the eldest daughter of his sister Mary, and failing such issue, to the heirs of the body of Eleanor, the second daughter of his sister Mary.

5. *On the accession of Mary*, her title to the throne was recognised by a legislative act, (1 M. and P. 2, c. 2); and the same was done on the accession of Elizabeth, (1 Eliz. ch. 2.)

6. On the death of queen Elizabeth, without issue, the line of Henry the eighth became extinct.

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## CHAP. XIII.

### EDWARD THE SIXTH.

1547.

EDWARD the sixth came to the throne at the age of nine years; he had been educated by doctor Cox, who favoured the Reformation. The majority of the bishops, and the chief part of the clergy, were on the side of the catholic religion, or of *the old learning*, as it was then usually termed. But the majority of the government were favourers of the Reformation; these carried the king with them, and soon obtained the ascendancy. The principal ecclesiastical occurrences in the reign of Edward the

sixth, are, I. The regulations respecting the election of bishops, and the new admissions of the actual bishops to their sees: II. The new visitation: III. The publication of the Book of Homilies: IV. The forty-two Articles: V. The book of Common Prayer: VI. The further suppression of colleges, hospitals and chauntries, and the general destruction of their libraries, and of the articles for sacred or secular use, or ornament, belonging to them: VII. And the religious persecution which took place during this reign.

### XIII. 1.

*The regulations respecting the election of Bishops, and the new admission of the actual Bishops to their sees.*

By the charter of king John, recognised and confirmed by his great charter, and by the 25th of Edward the third, stat. 6, sect. 3, the chapters had the free right of electing their prelates. But this statute was virtually repealed by the 25th Henry the eighth, ch. 7, by which the chapters, if they did not elect the person recommended by the king's letters missive, became subject to the penalties of præmunire. In the first year of the reign of Edward the sixth, a new act was passed for the election of bishops. After reciting that the manner of electing bishops by a *congé d'elire* was but the shadow of an election, it enacted, that, in future, all bishops should be appointed by the king's letters patent only, and should continue the exercise of their jurisdiction during their natural lives, if they should

behave well. In the passing of this act, archbishop Cranmer was principally concerned. It was his opinion, that the exercise of all episcopal jurisdiction depended upon the prince. Consistently with this principle, he thought that his own right to exercise the episcopal authority ended with the life of the late king; nor would he act as archbishop till he had received a new commission from Edward the sixth. On the same grounds, most of the other prelates obtained fresh commissions for the exercise of their episcopal authority.

### XIII. 2.

#### *The New Visitation.*

IMMEDIATELY after the ceremony of the king's coronation, the regents appointed a royal visitation, and commanded the clergy to preach no where, except in their parish churches, without license, till the visitation was concluded. For this purpose they divided the kingdom into six districts, assigning to each, as visitors, two gentlemen, a civilian, a divine, and a registrar. These were directed to proclaim and publish forty-nine injunctions, and to give orders that they should be published, once at least, in every quarter of a year. The spiritual supremacy of the monarch was the leading article; the gospels and epistles were to be read in English; mass, and praying for the dead, were discontinued: processions, and some ornaments and ceremonies, were set aside. It is observable that, on the death of Francis the first, which happened on the 22nd



March 1547, a solemn mass, and funeral service, were sung for him in all the churches in London; the choir of St. Paul's was hung in mourning; Cranmer, the archbishop, with eight other bishops, in their richest habits, sung a mass *ad requiem animæ*: and a sermon was preached by Dr. Ridley, bishop elect of Rochester\*.

### XIII. 3.

#### *The Book of Homilies.*

AMONG the injunctions of the visitors there was a direction that they should leave, in every parish, the Book of Homilies. It consisted of twelve discourses upon the principal points of the christian faith; and was directed to be left with every parish priest. The discourses are believed to have been composed by archbishop Cranmer, Bishop Ridley, and Bishop Latimer. Bishop Gardiner declined giving them his approbation. A second volume of the Homilies was published in the reign of queen Elizabeth.

### XIII. 4.

#### *The Forty-two Articles.*

IN the fourth year of the reign of Edward, it was resolved in council to reform, once more, the doctrine of the church. In pursuance of this order, Archbishop Cranmer, and Bishop Ridley, framed

\* Coll. Eccles. Hist. vol. 2, page 449.

forty-two articles of christian doctrine. Copies of them were sent to several bishops, and to other divines, for their consideration. Being returned by them, the articles were approved in council, and had the royal sanction. In the title-page they were styled, “ *Articles agreed upon by the bishops, and other learned men, in the convocation held at London in the year 1522, for avoiding diversity of opinion, and establishing consent touching true religion, published by the king’s authority.*” But by Cranmer’s own admission, in the subsequent reign, it is certain, that these articles never were submitted, either to the parliament or to the convocation. They are, in substance, very nearly the same as the thirty-nine articles.

### XIII. 2.

#### *The Book of Common Prayer.*

THAT the Jews had set forms of prayer, which they used in their synagogues, has been satisfactorily shown by doctor Lightfoot. That the earliest christians joined in the use of the Lord’s prayer, and of the psalms, appears from several passages in the Acts of the Apostles, and from the apostolic epistles. That, at an early period of christianity, liturgies were in use, may be justly inferred from those ascribed to St. Peter, St. Mark, and St. James, “ which,” says Mr. Wheatley, in a work of real learning, his *Rational Illustration of the Common Prayer, introduction, p. 13*, “ are doubtless of high antiquity.” In the course of time, there was a

variety of liturgies ; in England, those of York, Sarum and Bangor, were particularly distinguished. The liturgies of the middle ages consisted generally of the missal and breviary. The former contained the service of the mass ; the latter, those forms of prayer, consisting of psalms, hymns and lessons, which the clergy were used to recite daily ; and parts of which were solemnly sung in the churches every Sunday, and principal holiday, for the edification of the laity.

The liturgy soon attracted the notice of the reformers. In 1537 a book was published, called, "*the Godly and Pious Instruction of a Christian Man* ;" it contained, in the English language, the Lord's prayer, the Ave Maria, the creed, the ten commandments, and the seven sacraments. With some variations it was re-published in 1540 and 1543, under the title of, "*a necessary Doctrine and Erudition for any Christian Man.*" In 1545, the king's primer was published, containing, among other things, the Lord's prayer, the creed, the ten commandments, Venite exultemus, Te Deum, and several hymns and collects.

Soon after the accession of Edward the sixth a committee of divines was appointed to reform the liturgy. They drew up offices for Sundays and holidays, baptism, confirmation and matrimony, burial of the dead, and other special occasions ; forming all these into one book. It was published by the common agreement and full assent of the parliament and convocations. In 1548, it was confirmed by act of Parliameat, and declared to have been

composed "by the aid of the Holy Ghost." Exceptions however, were soon made to some passages; these were altered by Archbishop Cranmer, with the assistance of Martyn Bucer and Peter Martyr, whom he had invited into England from Germany. Thus revised and altered, the book was confirmed by Parliament in 1551. Both acts, however, were repealed in the first year of the reign of queen Mary.

### XIII. 6.

*The suppression of Colleges, Hospitals and Chauntries : general destruction of their Libraries, and of the sacred or secular articles of use, or ornament belonging to them.*

MENTION has been made of the suppression of the smaller monasteries by the act of the 27th of Hen. VIII. Several colleges, hospitals, chauntries and other religious institutions, within the operation of that act, had been permitted to remain in the hands of their lawful possessors. "The great ones of the court," says Heylin \*, not being "willing to lose so rich a booty, their suppression was set on foot again. The consequence was, that 90 colleges, and 2,374 free chapels and chauntries, with their possessions, were vested in the king, and consumed during his minority."

The suppression of these houses was the occasion of much individual wretchedness. When the monasteries were dissolved, some provision was made for the subsistence of the ejected religious. "But

\* History of the Reformation, p. 50, 51.



“as for the chauntry priests,” says Mr. Dodd \*,  
“the greater part were reduced to the extremities  
“of want; as also many of the laity who depended  
“on them.”

“On the pretence,” continues the same author,  
“of rooting out superstition, visitors were sent  
“about; and made a spoil of all things that might  
“conduce to support either learning or piety. Upon  
“this occasion was destroyed the famous Anger-  
“vilian library, first composed by Angerville,  
“bishop of Durham. The two noble libraries of  
“Cobham bishop of Winchester, and Duke Hum-  
“phry of Gloucester, underwent the same fate.  
“Merton college had almost a cart load of manu-  
“scripts carried off.” Every article in these build-  
ings, which served either for use or ornament, was  
seized. What could not be removed was destroyed  
or defaced.—Finally, the council gave an order for  
burning and destroying all the books used in the  
service of the church. “Sacrilegious avarice,”  
says Camden †, “ravenously invaded church-livings,  
“colleges, chauntries, hospitals, and places dedi-  
“cated to the poor, as things superfluous. Ambition  
“and emulation among the nobility, presumption  
“and disobedience among the common people,  
“grew so extravagant, that England seemed to be  
“in a downright frenzy.”

To raise the palace, which the protector Somer-  
set was building in the Strand, the parish church of

\* Church History, Vol. I. p. 348.

† Introduction to the Annals of Queen Elizabeth, p. 5-

St. Mary, three episcopal houses, a chapel, a cloister, and a charnel-house in St. Paul's Church-yard, with a church of the order of St. John of Jerusalem, were pulled down, and the materials used in the construction of the palace. Somerset attempted to demolish the church of St. Margaret, Westminster, but the parishioners rose, and drove off the artificers of destruction. From this example alone, some idea may be formed of the general plunder and devastation.

“ This gross and insatiable scramble,” says Bp. Burnet\*, “ after the goods and wealth that had  
“ been dedicated to good designs, without the ap-  
“ plying any part of it to promote the good of the  
“ gospel, the instruction of youth, and the relieving  
“ the poor, made all people conclude that it was  
“ for robbery, and not for reformation, that their  
“ zeal made them so active. The irregular and  
“ immoral lives of many of the professors of the  
“ gospel gave their enemies great advantage to say,  
“ that they ran away from confession, penance,  
“ fasting and prayer, only to be under no restraint,  
“ but to indulge themselves in a licentious and dis-  
“ solute course of life. By these things, that were  
“ but too visible in some of the most eminent  
“ among them, the people were much alienated  
“ from them ; and, as much as they were formerly  
“ against popery, they grew to have kinder thoughts  
“ of it, and to look on all the changes that had been  
“ made, as designs to enrich some vicious charac-

\* History of the Reformation, vol. iii. p. 210.

“ters, and to let in an inundation of vice and wickedness upon the nation.”

### XIII. 7.

#### *Religious Persecution during the Reign of Edward VI.*

“THE hardships, which the reformers underwent in the preceding reign, should,” according to Mr. Neale’s just observation, “have made them tender of the lives of those who differed from the present standard.” But their conduct showed a very different feeling.

Complaint being made to the council against the anabaptists, a commission was ordered to six of the bishops, and to some other divines, to search after all anabaptists, heretics, and all contemners of the common prayers, with injunctions, that the commissioners should endeavour to reclaim them; and, after due penance, to give them absolution; but that if they should continue obstinate, the commissioners should excommunicate, imprison, and deliver them over to the secular arm. Many were brought before them: some abjured the errors imputed to them, and were dismissed; others persisted in their opinions and were burned. Among these, Joan Bocken particularly attracted the commiseration of the public; she maintained that Christ was not incarnate of the virgin, not having taken any of her flesh. For this opinion she was sentenced to the flames. The humane prince was so struck with the cruelty of the sentence, that he refused, for a long

time, to sign the warrant for her execution. "Cranmer," says Mr. Hume, "was employed to persuade him to compliance. He said that there was great difference between errors in other points of divinity, and those which were in direct contradiction to the apostolic creed. These latter were impieties against God, which the monarch, being God's deputy, ought to repress, in like manner as inferior magistrates were bound to punish offences against the king's person. Edward, overcome by importunity, at last submitted, though with tears in his eyes; and he told Cranmer, that if any wrong were done, the guilt should lie entirely on his head. The primate, after making a new effort to reclaim the woman from her errors, and finding her obstinate to all his arguments, at last committed her to the flames."

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## CHAP. XIV.

PRINCIPAL ECCLESIASTICAL OCCURRENCES IN  
THE REIGN OF QUEEN MARY.

1553.

EDWARD the sixth died on the 6th July 1553. Dudley, earl of Warwick, who had supplanted the duke of Somerset, the protector, in the favour of the young monarch, had induced him, not long



before his decease, to exclude the princesses, Mary and Elizabeth, from the succession, and to substitute in their place lady Jane Grey. The protector had married her to Lord Guilford Dudley, his fourth son. She was the daughter of Frances, duchess of Suffolk, and descended, by Charles Brandon, from Mary, the dowager queen of France, and sister to Henry the eighth. She was singularly accomplished, and universally respected and beloved. Henry's testamentary disposition having set aside the Scottish line, lady Jane Grey stood next in succession to the crown, after the princesses Mary and Elizabeth. The duke of Northumberland, her father-in-law, with the concurrence of Cranmer, and of the whole privy council, except the lord chief justice, caused her to be proclaimed queen. She did all that depended upon her to refuse the crown; but, at length overpowered by her father-in-law and husband, accepted it with sincere and evident reluctance. Her adherents endeavoured to support her title by arms, but they were soon discomfited, and Mary was proclaimed queen. The duke of Northumberland, and two persons with him, were put to death, while eight more were tried and condemned for high treason. Among these were lady Jane and her husband, lord Guilford Dudley.—Their execution was more than once put off, and probably would not have taken place, had not the subsequent rebellion of sir Thomas Wyatt caused it to be thought a necessary measure, for the tranquillity of the state.

Mary thus became peaceably possessed of the

throne. I. The return of the English nation to communion with the see of Rome : II. The persecution of the Protestants for heresy : and III. the condemnation and death of archbishop Cranmer ; are the ecclesiastical events in this reign, which seem to require particular notice.

## XIV. 1.

*The return of the English nation to communion with the See of Rome.*

IMMEDIATELY on her accession to the throne, Mary avowed her attachment to the catholic religion, and very soon made public her intention to restore it. She formally signified this to the pope, and his holiness appointed cardinal Pole his legate to England, and furnished him with the most ample powers for effecting the object of his legation. In August 1554, the marriage between the queen and Philip was celebrated. On the 28th of the following November the king and queen, the spiritual and temporal peers, and the commons, assembled in the house of lords. Gardiner, who had been recently restored to the bishopric of Winchester, and advanced to the dignity of Chancellor, announced the arrival of the cardinal, with legatine authority. Being introduced with great ceremony into the assembly, the cardinal addressed the members in a conciliating speech. The chancellor replied, expressing his own wishes, and the general wish of the nation, to return to communion with the see of Rome.

On the following day, the king, the queen, and

both houses of parliament, being again assembled in the house of peers, the cardinal was ushered into the house, dressed in his legatine robes. The king was placed on the left-hand of the queen, and the legate on her right, but at a greater distance than the king. All three were placed on seats covered with rich tapestry, and under a very costly canopy. The chancellor then addressed the houses of parliament; recapitulated what he had said the day before, and solemnly asked them, if they desired to return to the unity of the church, and to the obedience due to their chief pastor. The whole assembly assented, by acclamation, to the proposal. The chancellor then presented to their majesties a petition, on behalf of the members of both houses, as the representatives of the whole nation, expressing their sorrow for the schism, and for whatever they had enacted against the see of Rome and the catholic religion, declaring that they now annulled it; and beseeching those, whom God had preserved from the general guilt, to obtain from the lord legate that he would pardon them, and restore them as true and living members to that body, from which they had been separated by their misdeeds.

The king and queen having perused the petition, returned it to the chancellor; he read it distinctly and audibly. The whole assembly then rose, and the queen, in the name and behalf of herself, and of the king, petitioned the legate to grant the pardon and reconciliation sued for. The legate rose from his seat, and every one, except the king and queen, being on their knees, he pronounced the

general absolution. They then went to the royal chapel, and a solemn *Te Deum* was sung, to express the general sentiment of religious joy, with which all the assembly appeared to be penetrated.

On the following day a similar ceremony of reconciliation took place in the city of London. Afterwards, the clergy assembled in convocation; and, on their knees, received absolution for all the censures, which they had incurred during the late innovations. By the legislative act of 1st and 2d Philip and Mary, c. 8, the work of reconciliation was completed.

With the unanimous consent of the pope and the clergy, and the sanction of parliament, the possessors of the church property were generally quieted in its detention and enjoyment. The queen restored to the antient possessors all the church property, which remained in the hands of the crown; and earnestly solicited others to follow her example. Her conduct, if admired, was very little imitated.

Immediately after the ceremony of reconciliation took place, the queen sent viscount Montague, Thirlby bishop of Ely, and Sir Edward Carne, ambassadors to Rome. They reached it on the 23d of May 1555; and, on the 23d of the following June, were admitted to an audience with the pope. They prostrated themselves at the feet of his holiness, represented the sorrow of the nation for their schism and heresy, and their desire to return into communion with the holy see. The pope received them graciously, expressed a general



approbation of the proceedings of the legate, but complained of the detention of the ecclesiastical property, and intimated his right to the antient render of Peter-pence. "He himself," he said, "had, when he was young, been employed in collecting it, and even had been edified by the alacrity with which it was paid."

It is observable, that, before Henry the eighth, the kings of England styled themselves only lords of Ireland. That monarch, in the twenty-third year of his reign, assumed the title of king of Ireland, and, two years afterwards, it was recognised by parliament. This the pope considered an invasion of the right, assumed by the holy see, to be the sovereign, and ultimate feudal lord of that kingdom.

To prevent any controversy on this head, Mary accompanied the letter presented to the pope by the ambassadors, with one, in which she solicited him to confer on her the title of queen of Ireland. With this request, by a bull, (transcribed by Bzovius, ad ann. 1555), the pope complied; the bull was dated on the 7th of June,—several days before the presentation of the ambassadors,—and thus, the difficulty, which might otherwise have arisen, was dexterously, but dishonourably, eluded.

## XV. 2.

### *Persecution of the Protestants for Heresy.*

THERE is reason to believe that, when Mary ascended the throne her dispositions towards those,

who should continue to differ from her in religious opinions, were just, moderate, and wise. Doctor Heylin admits, that before the end of the second year of her reign she practised no violence. The first volume of Dodd's Church History contains the faculties, and instructions, which the pope gave for reconciling the kingdom to the holy see. They are written in the language of moderation, and do not contain a single expression which suggests measures of violence. The lenity of cardinal Pole, her principal adviser, seems to be universally admitted. So much is this the case, that Hume\*, in a debate which he supposes to have taken place in Mary's reign, on the subject of religious persecution, makes Pole the advocate of toleration.

In 1555, all the bishops, and several of the leading clergy, attended cardinal Pole, to receive his instructions. They were truly pastoral and humane; he bad them treat their flocks with tenderness, and make converts rather by example and instruction than by rigour. The councils, which induced Mary to adopt a system of intolerance, were generally attributed to Gardiner, the bishop of Winchester,—but he soon ceased to take an active part in them. By Rogers, the first of those who suffered for religion in the reign of Mary, the bishop was asked,—“whether he had not preached against the “pope, during the best part of twenty years?” “Yes,” said Gardiner, “but I was forced to it by “cruelty.”—“And will *you* then,” said Rogers, “use to others that cruelty, of which you now

\* Ch. xxxvii.

“complain?” Gardiner made no answer.—When he first recommended persecution, he thought a few striking examples would cause a general recantation; but, when he found his error, he left the weight of cruelty on the willing shoulders of Bonner. Gardiner died in great sentiments of repentance. “I have sinned,” he said, “with Peter, but I have not wept with Peter.” Bonner was bishop of London; if his conduct has not been greatly exaggerated, he was a perfect monster of cruelty.

It must also be admitted, that Mary met with many provocations. Northumberland’s treasons were quickly followed by Wyatt’s. For some time, a person was encouraged to personate king Edward, and to dispute Mary’s title. Repeated indignities were offered to her religion,—“Her preacher,” says Mr. Phillips, in his *Life of Cardinal Pole* \*, “was shot at, whilst he was preaching in the pulpit of St. Paul’s, and her chaplains were mobbed and pelted in the streets. When public prayers were ordered, on a supposition of her pregnancy, a reformed preacher made use of the form, ‘that it would please God either to turn her heart from idolatry, or to shorten her days.’ A dog’s head was shaved, in contempt of the clerical tonsure; and by an impiety, which” says Mr. Phillips, “I have difficulty to repeat, a wafer was put into a dead cat’s paws, in derision of the holy sacrament, and hung up at Cheapside. Pretended revelations, and the forgery of the spirit on the wall, were employed to disturb the govern-

\* Sect. 10.

“ment, and discredit mass and confession. These  
“and the like impieties were followed by divers  
“acts of rebellion, of which an attempt to rob the  
“treasury, the insurrection in the north, and the  
“seizure of Scarborough Castle, in favour of the  
“French invasion, are instances.”

## XV. 3.

*Archbishop Cranmer.*

THE number of those, who suffered death for heresy, in the reign of queen Mary, has been computed, probably with some exaggeration, at 277. Of these, none certainly was so distinguished as Dr. Thomas Cranmer, archbishop of Canterbury. That, for some of his actions he is entitled to praise, that, for others, his conduct should be strongly reprobated, every candid person must allow.

His protection of the princess Mary from the fury of her father, his endeavours to save sir Thomas More, bishop Fisher, and Cromwell, his resistance to the passing of the sanguinary enactment of the six articles, and his encouragement of letters and learned men, are entitled to praise. But, when we find, that, though he adopted the Lutheran principles so early as his residence in Germany on the business of the divorce, he yet continued, during the fifteen subsequent years of Henry's reign, in the most public profession of the catholic religion, the article of the supremacy of the pope alone excepted:—That, though, when he was consecrated archbishop of Canterbury, he took the customary



oath of obedience to the see of Rome, he yet, just before he took it, retired into a private room and protested against it :—And that, though he subscribed and caused his clergy to subscribe the six articles, the third and fourth of which enjoined celibacy to the clergy, and the observance of the vows of chastity, he yet, though a priest, was married, and continued to cohabit with his wife ;—we *must* pronounce him guilty of *dissimulation*.—When we find, that, though he knew Anne Boleyn was under no pre-contract of marriage, he yet, to use bishop Burnet's expression \*, extorted from her, standing as she did, on the very verge of eternity, a confession of the existence of such contract ;—we *must* pronounce him guilty of *subserviency to his master's cruelties*.—When we see how instrumental he was in bringing Lambert, Anne Askew, Jane Bocken, Van Parr, and others, both catholics and anabaptists, to the stake ; and particularly, when we read his successful exertions to induce the young prince to sign the sentence for Jane Bocken's condemnation,—we *must* pronounce him guilty, both of the *theory and practice of religious persecution*.—When we find that previously to Henry's marriage with Anne of Cleves, he declared that the negotiations for her marriage with a prince of the house of Lorraine were not a lawful impediment to her marriage with Henry,—he yet, within six months after it, declared that they had created such an impediment, and solemnized the monarch's adulterous marriage with

\* Vol. I. p. 203.

lady Katharine Howard,—we *must* pronounce him guilty of *sacrilege*.—And finally,—when we find, that, notwithstanding the undoubted rights of the princesses Mary and Elizabeth, he yet, on the death of their royal brother, strove to exclude both from the throne, and to place lady Jane Gray upon it,—we *must* admit the justice of the verdict, and pronounce him guilty *both of ingratitude and high treason*.

Still,—the sentence, which, after he had been pardoned for his treason, condemned him to the flames *for heresy*, was execrable. His firmness under the torture, to which it consigned him, has seldom been surpassed. It presents an imposing example, and we then willingly forget what history records against him. But, when we read, in the *Biographia Britannica*, that “he was the glory of “the English nation, and the ornament of the Re-  
“formation,” his misdeeds rush on our recollection: We are astonished at the effect of party spirit, and the intrepidity of the biographer.

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## CHAP. XV.

### THE FIRST MEASURES OF QUEEN ELIZABETH.

1558.

THE commencement of the Reformation in England, in the reign of Henry the eighth; its progress in the reign of Edward the sixth; and its interrup-

tion in the reign of Mary, have been mentioned. Some account will now be given of its completion, in the reign of Elizabeth. We shall therefore attempt to present the reader, with a general view of her first measures. Under this head, we shall endeavour to give a succinct account, I. Of her being proclaimed queen of England, and her progress to London : II. Of her coronation : III. Of the division of the nation at this time into a catholic and a protestant party : IV. The subdivision of the latter into Lutherans : V. Zuinglians : VI. And the successors of these, the Calvinists, or Puritans : VII. Of the preference given by the queen to the protestant party : VIII. Of her notifying to Paul the fourth, her accession to the throne, and the manner in which the intelligence was received by him : IX. And of the more conciliatory proceedings of Pius the fourth, his immediate successor.

#### XV. 1.

##### *The first measures of Queen Elizabeth.*

QUEEN Mary died on the 17th November 1558. She was succeeded by her sister Elizabeth, the only child then living of Henry the eighth ; Ferdinand of Austria, being at this time Emperor ; Henry the second, king of France ; Philip the second, king of Spain ; and Paul the fourth, filling the Roman See.

At the moment of Mary's decease both houses of parliament were sitting. Information of the event being brought to the house of lords, they

sent a message to the house of commons requesting their attendance. When the members arrived, the lord chancellor Heath, archbishop of York, announced the event to them. He observed, that the succession to the crown belonged, of right, to the princess Elizabeth; and that she should be instantly proclaimed queen of England. The proclamation was immediately made by the king at arms.

The news of her election reached Elizabeth at Hatfield. On the 29th, she proceeded to London, attended, says Heylin, by a great and royal train; and an infinite concourse of people expressing their feelings by loud acclamations, and every other demonstration of joy. She delighted them by the affability of her manner, and the share which she seemed to take in the general sentiment. At Highgate, she was met by all the bishops: from Bonner, as a man of blood, she turned with disgust: the others she received courteously, and permitted them to kiss her hand. At Bishopsgate she was met by the lord mayor and all the city companies. Thus escorted, she reached the Tower. At her entrance into it, "she rendered," says Heylin, "her most humble thanks to Almighty God, for "the great change in her condition, in bringing "her, from being a prisoner in that place, to be "the princess of her people; and now, to take "possession of it as a royal palace, in which, before, "she had received so much discomfort." Immediately on the decease of Mary the lords assembled in council had given orders for the stopping of all



ports and havens, in order that no intelligence of the event might be carried out of the realm ; but finding so general a concurrence of the people in favour of Elizabeth, they removed the embargo.

## XV. 2.

*Her Coronation.*

ON the 13th of January 1559, she made her “ triumphant passage,” says Dr. Heylin, “ through London to her palace at Westminster. Having offered a prayer, she mounted in her chariot with so clear a spirit, as if she had been made for that day’s solemnity; entertained all the way she went with the joyful shouts and acclamations of *God save the Queen*, which she repaid with such a modest affability that it drew tears of joy from the eyes of some, with infinite prayers and thanksgivings from the hearts of all.

“ But nothing more endeared her to them than the accepting a Bible, neatly gilt, which was let down to her from one of the pageants representing Truth. With both her hands she received the book, which she pressed and laid to her bosom, (as the nearest place unto her heart), giving the greater thanks for that, than for all the rest which plentifully had that day been bestowed upon her ; and promised to be diligent in the reading of it. By which, and many other acts of popular piety, with which she passed away that day, she did not only gain the hearts of them that saw her, but they that saw her did so

“magnify her most eminent graces, that she found  
“the like affection in the hearts of all others also.”

On the following morning, with the like magnificence and splendor, she was attended to the church of St. Peter in Westminster. She was *crowned* by Doctor Owen Oglethorpe, bishop of Carlisle, according to the form, and took the oath prescribed by the Roman pontifical. The other catholic prelates declined assisting at the ceremony. Three bishops, ordained in the reign of Edward the sixth, and the friends of the Reformation, were then alive; but “those bishops,” as doctor Heylin “remarks, were at that time deprived of their  
“sees,—(whether justly or unjustly could not then  
“be questioned)—and therefore not in a capacity  
“to perform that service. Besides there being, at  
“that time, no other form established for a coronation than that, which had much in it of the  
“ceremonies and superstition of the church of  
“Rome; she was not sure that any one of those  
“three bishops would have acted in it without such  
“alteration and omissions, in the whole course of  
“that order, as might have rendered the whole  
“action questionable among capricious men; and  
“therefore, finally, she thought it more conducive  
“to her reputation among foreign princes to be  
“crowned by the hands of a catholic bishop, or  
“one at least that was accounted as such, than if it  
“had been done by any of the other religions.”

## XV. 3.

*Division of the Nation into a Catholic and a Protestant party.*

THE nation was divided at this time, into a catholic and a protestant party. From several circumstances it is evident that a great majority of the nation then inclined to the roman-catholic religion. All the bishops, with the solitary exception of Kitchin of Landaff, opposed the change of religion; the whole convocation, which met at the same time with the queen's first parliament, declared against it, and expressed their unanimous adherence to the antient creed, by a declaration conformable to it, on the five important articles of the real presence, transubstantiation, the sacrifice of the mass for the living and the dead, the supremacy of St. Peter and his successors, and the authority of the pastors of the church, exclusive of the laity, in matters of faith and discipline. They addressed these articles to the bishops, with a request to lay them before the lords in parliament. Both the universities signed a writing, declaring their concurrence in the same articles. Thus the change was in opposition to the wishes of the body of the clergy.

The laity were divided—but several facts seem to show that a great majority must have been in favour of the catholic religion; the single circumstance of the known general attachment, at this

time, of the laity for their pastors, renders this highly probable.

Rishton, a contemporary writer, speaking from his own observation, says\*, that one third of the kingdom was at this time protestant; most of the nobility, the majority of the greater commoners, and the generality of the persons employed in agriculture and husbandry, being catholics.

This conclusion is also favoured by the violence, which the court party found it necessary to use, in the ensuing election of members to serve in the house of commons. Five candidates were nominated by the court to each borough, and three to each county; and by the sheriff's authority, the members were chosen from among these candidates. This measure seems to indicate that the court entertained apprehensions that the general sense of the people was against the Reformation. The same conclusion is again rendered probable by the complaints, which are found in the protestant writers of these times, concerning the general dearth of teachers in the universities and the public schools, and of ministers to officiate in the parishes.

#### XV. 4.

##### *Subdivision of the Protestants into Lutherans;*

It may be generally said, that, with the exception of the belief of the ecclesiastical supremacy of the monarch, the church of England continued

\* De Schismate Angliæ, p. 272.



catholic during the reign of Henry. The first seeds of the protestant doctrine were sown by *Lutheran* hands. The emissaries employed by Henry in obtaining the opinions of foreigners on the lawfulness of his marriage with Katharine of Arragon became acquainted with Luther and some of his disciples; they returned home with dispositions favourable to his principles; and, in their return, were either accompanied, or soon after followed, by some of their ablest advocates. Several attempts were made by the protestant princes of Germany to induce Henry to subscribe the confession of Augsburgh, and to place himself at the head of the league, which had been formed for its support. These attempts did not succeed; but they gave occasion to communications between the Lutheran divines and the English advocates of reform. Thus, therefore, during the reign of Henry the eighth, the seeds of the Reformation sown in this country were Lutheran.

## XV. 5.

### *Zuinglians;*

WHILE Henry lived, archbishop Cranmer, the most powerful advocate of protestantism in this country, outwardly professed, except in the article of the supremacy, the catholic religion; but in the reign of Edward he veered to the creed of Zuingle; and the majority of the royal council adopted and led the infant monarch into the adoption of the same principles. We have before observed, that

Zuingli differed from Luther in several articles, particularly in considering the sacrament of the eucharist merely as a pious rite, established to commemorate the passion and death of Christ, in abolishing religious ceremonies, and in his total subjection of the priest to the magistrate. In conformity with the two former opinions, the ministers of Edward the sixth expunged from their creed the belief of the corporal presence of Christ in the holy eucharist; and reduced the ecclesiastical orders of the church to bishops, priests and deacons. In the ordination of bishops and priests they used the same ceremonial; omitting every antient rite, except the imposition of hands, and some prayers. They laid aside all the vestments of bishops, priests and deacons, with the exception of the surplice. They retained the altar, the cross in baptism, the ring in marriage, and the bowing at the name of Jesus. To all that was retained, the disciples of Zuingli seriously objected.

#### XV. 6.

##### *And Calvinists.*

MEANWHILE, several disciples of Calvin had found their way into England: by degrees they attracted almost all the disciples of Zuingli. It has been mentioned, that, in opposition to Zuingli, Calvin contended for the absolute subserviency of the magistrate to the priest in all ecclesiastical concerns. To the followers of his doctrine it had

therefore given great offence, that the acts of parliament of Edward the sixth for ordaining ministers, establishing the common prayer, and constituting the forty-two articles as the national creed, were imposed by the authority of the temporal power. Still, the influence of the disciples of Calvin is very discernible in all the ecclesiastical regulations, which took place during the reign of that monarch; and from the beginning of it to its close, this influence was always on the increase.

It should be remarked, that those, who embraced the doctrines of Calvin, were known by different appellations: from their master, they were frequently called Calvinists; from their innovations on Luther's system, they were styled the Reformed; from their peculiar tenets respecting the real presence, they were called Sacramentarians; in France, for some unknown reason, they were called Hugonots; in England, their alleged improvements in the national worship gave them, soon after queen Elizabeth's accession to the throne, the appellation of Puritans; while their objection to episcopacy gave them, in the reign of her successor, the name of Presbyterians.

## XV. 7.

### *The Queen's preference of the Protestant party.*

SUCH was the division of public opinions on religious concerns, when Elizabeth ascended the throne. For some time the catholics and the protestants waited in a state of anxious uncertainty to

discover for which party she would declare. After much deliberation with a council of select advisers, she decided for a protestant establishment, partaking more of the Lutheran than of the Calvinistic economy. But it seems to have been conceived on a conciliating and comprehensive scheme.

## XV. 8.

*Notification of her Succession to Pope Paul IV.*

ONE of the first measures of Elizabeth was to write to sir Edward Carne, the English ambassador at Rome, to notify her accession to the pope.

At this time the Roman see was filled by Paul the fourth. Unblemished purity of morals, and inflexible integrity, cannot, with justice, be denied to this pontiff. "But all these qualities," says Mr. Phillips, in the sketch which he has given of his character in the life of cardinal Pole, "were vitiated by a fierce and obstinate temper, a haughty and aspiring disposition, and a mind incapable of yielding to opposition, and greedy, above measure, of command." He received the queen's overtures with great loftiness: he told sir Edward Carne, that "the kingdom of England was held in fee of the apostolic see; that Elizabeth, being illegitimate, could not succeed; that he could not contradict the declarations of Clement the seventh and Paul the third; that it was a great boldness in her to assume the name and govern-



“ment without him; yet, that being desirous to  
 “show a fatherly affection, if she would renounce  
 “her pretensions, and refer herself wholly to his  
 “free disposition, he would do whatever might be  
 “done with honour to the holy see.” This speech  
 was equally unjustifiable and imprudent:—in the  
 deliberations which at this time took place, on the  
 important question, whether the catholic or the  
 protestant was to become the religion of England,  
 it was evidently calculated to turn the scale against  
 the former.

## XV. 9.

### *Conciliatory Proceedings of Pius IV.*

It may not be improper to mention in this place, that, not long after this wayward event, another and a better spirit was shown by Pius the fourth, the immediate successor of Paul. In May 1560 he sent Vincentio Parpalia, an ecclesiastic of great merit and conciliating manners, to the queen, with a letter, most earnestly, but respectfully, entreating her to return to the bosom of the church. On this occasion, Parpalia, if we are to credit Camden, was instructed by the pope to offer to the queen, that the pope would annul the sentence of Clement his predecessor against her mother's marriage, settle the liturgy by his authority, and grant to the English the use of the sacrament under both kinds. Parpalia reached Bruxelles: from that place, he acquainted the English ministry with the object of his mission, and proceeded to Calais. The pro-

priety of admitting him was debated in the royal council, and determined in the negative.

The conciliating pope was not disheartened. At a subsequent time he deputed the abbé Martenengo to the queen, to notify to her the sitting of the council of Trent; and to request she would send an ambassador to it, and permit the prelates of England to attend it. Some objected to the pope, that this was showing too great a condescension towards persons, who had formally separated from the church. "Nothing," said the worthy pontiff, "is humiliating, to gain souls to Christ." Both the king of Spain and the duke of Alva seconded, with great earnestness, the pope's request: but the queen was inflexible. "She could not," she said, "treat with any power, whose authority the parliament had declared to be unlawful." She therefore refused to permit the abbé to enter any part of her dominions.

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## CHAP. XVI.

### QUEEN ELIZABETH DECLARED HEAD OF THE CHURCH OF ENGLAND.

THE subject now requires, I. That the principal legislative enactments, by which Elizabeth was declared to be the supreme head of the church of

England ; II. With some observations on the nature and extent of her supremacy,—should be placed before the reader.

## XVI. 1.

*Legislative Acts conferring the Supremacy on Elizabeth ; and enjoining the Oath of Supremacy.*

1. *By the first act of the first year of her reign* it was enacted, “ That no foreign prince, person, “ prelate, state, potentate, spiritual or temporal, “ should, at any time after the last day of that “ session of parliament, use, enjoy or exercise any “ manner of power, jurisdiction, superiority, authority, pre-eminence or privilege, spiritual or ecclesiastical, within this realm, or within any other “ of her majesty’s dominions, or countries that then “ were or thereafter should be ; but that from “ thenceforth the same should be clearly abolished “ out of the realm, and all other her majesty’s “ dominions, for ever.

“ And that such jurisdictions, privileges, superiorities and pre-eminences, spiritual and ecclesiastical, power or authority, as had theretofore “ been, or might lawfully be, exercised or used, “ for visitation of the ecclesiastical state and persons ; and for reformation, order and correction “ of the same, and all manner of errors, heresies, “ schisms, abuses, offences, contempts and enormities, should for ever, by authority of that parliament, be united and annexed to the imperial “ crown of this realm.

“ And that her highness, her heirs and successors, kings or queens of this realm, should have  
“ full power and authority, by virtue of that act, by  
“ letters patent under the great seal of England,  
“ to assign, name and authorize, when and as often  
“ as her highness, her heirs or successors, should  
“ think meet and convenient, and for such and so  
“ long time as should please her highness, her heirs  
“ or successors, such person or persons, (being natural-born subjects to her highness, her heirs or  
“ successors), as her majesty, her heirs or successors,  
“ should think meet to exercise, use, occupy and  
“ execute, under her highness, her heirs and successors, all manner of jurisdictions, privileges and  
“ pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within  
“ those her realms of England and Ireland, or any  
“ other her highness’s dominions and countries;  
“ and to visit, reform, redress, order, correct and  
“ amend all such errors, heresies, schisms, abuses,  
“ offences, contempts and enormities whatsoever,  
“ which, by any manner of spiritual or ecclesiastical power, authority or jurisdiction, could or  
“ might lawfully be reformed, ordered, redressed,  
“ corrected, restrained or amended, to the pleasure  
“ of Almighty God, the increase of virtue, and the  
“ conservation of the peace and unity of the realm.  
“ and that such person or persons, so to be named,  
“ assigned, authorized and appointed by her highness, her heirs or successors, after the said letters  
“ patent to him or them made and delivered as  
“ aforesaid, should have full power and authority,



“ by virtue of that act, and of the said letters  
“ patent under her highness, her heirs and succes-  
“ sors, to exercise, use and execute all the premises  
“ according to the tenour and effect of the said  
“ letters patent, any matter or cause to the contrary  
“ notwithstanding.”

2. By the same act, every ecclesiastical person, and every ecclesiastical officer or minister, and every temporal judge, justice and mayor, and every other lay or temporal officer and minister, and every other person having the queen’s fee or wages within the realm, were directed to take *the following oath*, under pain of forfeiting their office, and of being disabled from holding any office in future.

“ I, *A. B.* do utterly testify and declare, in my  
“ conscience, that the queen’s highness is the only  
“ supreme governor of this realm, and all other her  
“ highness’s dominions and countries, as well in  
“ all spiritual or ecclesiastical things, or causes, as  
“ temporal; and that no foreign prince, person,  
“ prelate, state or potentate, hath or ought to have  
“ any jurisdiction, power, superiority, pre-eminence  
“ or authority, ecclesiastical or spiritual, within  
“ this realm; and therefore I do utterly renounce  
“ and forsake all foreign jurisdictions, powers, su-  
“ periorities and authorities, and do promise, that  
“ from henceforth I shall bear faith and true alle-  
“ giance to the queen’s highness, her heirs and  
“ lawful successors, and to my power shall assist  
“ and defend all jurisdictions, pre-eminences, privi-  
“ leges, and authorities granted or belonging to the  
“ queen’s highness, her heirs and successors, or

“ united or annexed to the imperial crown of the  
“ realm. So help me God, and the contents of  
“ this book.”

Persons maintaining by writing, word, act or deed, the authority, pre-eminence, power or jurisdiction, ecclesiastical or spiritual, of any foreign prince, prelate or potentate, were punishable—for the first offence, by forfeiture of goods and chattels, and imprisonment for a year; for the second, by the penalties of a præmunire; and for the third, with death, and the other penalties incident to conviction of high treason.

3. *By an act passed in the fifth year of her reign*, persons in general who should maintain the jurisdiction of the see of Rome were subjected, for the first offence, to the penalties of a præmunire; and for the second, to the punishment of high treason.

4. In a future page we shall have occasion to mention *the admonition of queen Elizabeth* respecting the oath of supremacy, declaring the sense in which it should be taken. The last act which has been cited directs, that the oath shall be taken and expounded in such form as is set forth in that admonition.

## XVI. 2.

*An Inquiry into the nature and extent of the Spiritual Supremacy conferred by these acts on Queen Elizabeth.*

WHEN the Reformation took place, an alliance had long subsisted in England, and every other

country in Europe, between the church and the state. In consequence of it, the state had conferred upon the church the power of enforcing several of her spiritual injunctions, by those acts of temporal power, which the civil courts of the king possess for enforcing their sentences. This was done, either by authorizing the ministers of the church to issue process from the civil courts, in aid of their spiritual injunctions; or by erecting courts entirely appropriated to the spiritual concerns of the church, and investing them with the temporal process of the civil courts. The objects, on which such courts exercised their jurisdiction, gave them the appellation of spiritual courts; but the process, by which they carried it into execution, was temporal. To this extent, therefore, they were temporal, or civil courts of the king; and so far as respected their right to this process, the king was the supreme head of their jurisdiction.

From these circumstances, it has been sometimes contended that the pre-eminence, spiritual authority, and spiritual jurisdiction, mentioned in the acts which conferred the supremacy upon Elizabeth, ought to be understood to denote, only that pre-eminence, supremacy, and jurisdiction, which the clergy, or their courts, receive from the state; and that the clauses in the acts, which deny the supremacy of the pope, were intended only to deny his right to that temporal power, which the state, in consequence of its alliance with the church, had conferred upon him.

Those, who contend for this construction of the

oath, cite what is termed the *admonition of queen Elizabeth*. In the very year in which the act enjoining the oath of supremacy was passed, Elizabeth published a body of "*Regulations of the discipline and order of the church.*" In one of these, she professes to notice the misconstructions of her claims to the spiritual supremacy. She then proceeds to say,—“her majesty neither doth, nor ever will challenge any other authority than what was challenged, and lately used by the said noble kings of famous memory, king Henry the eighth, and Edward the sixth, which is, and was, of antient time, due to the imperial crown of the realm,—that is,—under God, to have the sovereignty and rule over all manner of persons born within these her realms and dominions, so as no power shall or ought to have any superiority over them.” In the next parliament this explanation of the oath of supremacy received the sanction of the legislature.

In unison with this exposition of the regal supremacy, the 37th of the Thirty-nine Articles is expressed in the following terms:—“The king’s majesty hath the chief power in the realm of England, and other his dominions; unto whom the chief government of all estates in this realm, whether they be ecclesiastical or civil, in all cases doth appertain; and is not, nor ought to be, subject to any foreign jurisdiction. When we attribute to the king’s majesty the chief government,—by which titles, we understand the minds of some slanderous folks to be offended,—we give not to



“ our princes the ministering either of God’s word  
 “ or of the sacraments,—the which thing the in-  
 “ junctions also lately set forth by Elizabeth, our  
 “ queen, do most plainly testify,—but, that only  
 “ prerogative which we see to have been given al-  
 “ ways, to all godly princes in holy scriptures by  
 “ God himself; that is, that they should govern all  
 “ estates and degrees committed to their charge by  
 “ God, whether they be ecclesiastical or temporal;  
 “ and restrain with the civil sword the stubborn and  
 “ evil doers.

“ The bishop of Rome hath no jurisdiction in  
 “ this realm of England.”

The same description of the nature and extent  
 of the spiritual supremacy of the crown was repeat-  
 edly given by king James. This we shall mention  
 in a future page.

As a further testimony in favour of this construc-  
 tion of the oath, its advocates cite passages from the  
 works of many personages of great distinction in  
 the protestant church. Nothing, they say, can be  
 more explicit than the language of doctor Bram-  
 hall, archbishop of Armagh, in the reign of Charles  
 the first, in the work intituled “ *Schism guarded.*”  
 “ Neither Henry the eighth, nor any of his legis-  
 “ lators,” says this eminent prelate, “ did ever en-  
 “ deavour to deprive the bishop of Rome of the  
 “ power of the keys, or any part thereof; either  
 “ the key of order, or the key of jurisdiction: I  
 “ mean jurisdiction purely spiritual, which hath  
 “ place only in the inner court of conscience, as  
 “ over such persons as submit willingly, nor did

“ ever challenge, or assume to themselves any juris-  
 “ diction purely spiritual. All, which they deprived  
 “ the pope of; all, which they assumed to them-  
 “ selves, was the external regimen of the church  
 “ by co-active power, to be exercised by persons  
 “ capable of his respective branches of it. And  
 “ therefore, when we meet with these words, or  
 “ the like, (*that no foreign prelate shall exercise*  
 “ *any manner of power, jurisdiction, &c. eccle-*  
 “ *siastical within this realm*),—it is not to be  
 “ understood of internal, or purely spiritual power  
 “ in the court of conscience, or the power of the  
 “ keys,—(we see the contrary practised every day),  
 “ but of external and co-active power in ecclesiasti-  
 “ cal causes, in *foro contentioso*.—Our kings leave  
 “ the power of the keys, and jurisdiction purely  
 “ spiritual, to those to whom Christ has left it.—  
 “ Our ancestors cast out external ecclesiastical co-  
 “ active jurisdiction; the same do we. They did  
 “ not take from the pope the power of the keys, or  
 “ jurisdiction purely spiritual,—neither do we.”  
 Citations of passages to the like effect from other  
 protestant writers, might, it is said, be easily mul-  
 tiplied.

In further support of this construction, its advo-  
 cates notice the conduct of the clergy in the reigns  
 of Henry the eighth and Edward the sixth, as well  
 as the conduct of many of the clergy during the  
 first part of the reign of queen Elizabeth, who, they  
 say, did not refuse similar oaths, when these were  
 pressed upon them.

They intimate, that objections to the oath prescribed by the parliament of Elizabeth, were first made by the priests, who came to England from the foreign seminaries. In those schools, they say, the ultramontane doctrines on papal power were taught in their utmost extent. In conformity with these, the members of those communities believed the pope to be entitled, at least indirectly, to temporal power by divine right, and must therefore object to every oath, which denied the right of the pope to the exercise of temporal power in the administration of spiritual concerns, or the right of the church to enforce the sentences of the church by temporal process.

These, the writer apprehends, are the principal arguments by which it is contended, that catholics might conscientiously take the oath of supremacy prescribed by the parliament of queen Elizabeth, and similar oaths prescribed by subsequent parliaments. His own impression on the subject is as follows:

Were it quite clear, that the interpretation contended for is the true interpretation of the oath, and quite clear also, that the oath was and is thus universally interpreted by the nation,—then, the author conceives, that there might be strong ground to contend, that it was consistent with catholic principles to take either the oath of supremacy which was prescribed by Elizabeth, or that, which is used at present.

He also thinks it highly probable, that, if a legislative interpretation could *now* be obtained, the

interpretation suggested would be adopted.\*—But, that the oaths of supremacy were thus understood by the bulk of the nation, when they were first promulgated,—this, the writer considers, at best, extremely doubtful. He cannot reconcile such construction of them, either with that, which the monarchs and their parliaments themselves repeatedly put on them, by their conduct, or with the powers which the legislature has very frequently attributed to them. Hume, (*ch.* 40), says expressly, that Elizabeth always pretended that, in “quality of supreme head of the church, she was “fully empowered by her prerogative to decide “all questions which might arise with regard “to doctrine, discipline, or worship; and would “never allow her parliaments so much as to take “these points into consideration.” This appears to the writer to afford a conclusive argument for supposing, that, when the acts conferring the supremacy on the crown were passed, they were not

\* See lord Grenville’s exposition of the nature of the spiritual supremacy of the kings of England, in his speech, on moving the petition of the Irish Roman Catholics, in 1810: an extract of which is given in the second volume of this work, pp. 178, 179. The preamble also to the act passed in 1793 for the relief of the Scottish catholics, is important. It is inserted, at length, in the last chapter of the second volume of this work. It states explicitly, that “the rigour of the act “which prescribed the oath of supremacy to the Scottish “catholics, was chiefly judged expedient in order to preserve “the government against the attempts or efforts of those persons, who then did, or were supposed to acknowledge the “temporal superiority or power of the pope or see of Rome, “over that part of the realm of Great Britain called Scotland.”



generally understood in the sense contended for by those, who deem it lawful for catholics to take them. The subject is ably discussed by Mr. Neale, in his *History of the Puritans*, ch. iv. His arguments to show, that the acts in question were intended to confer on the monarchs some powers merely spiritual, and belonging of right to the church, appear to the writer to be incontrovertible.

That the acts are at this time so understood, both by the general body of catholics, and by the general body of protestants, the writer considers quite undeniable.

“These things,” (to use the language of Sir John Winter, in his *Observations on the Oath of Supremacy*, in which he contended, in the reign of Charles the second, with great force of argument for the construction of it in the sense suggested by its advocates,)—“These things have made it to  
“be firmly believed by the catholics, and those of  
“their profession over all christendom, that in tak-  
“ing the said oath, with what explanation soever,—  
“*(if such explanation be not publicly made*  
“*known and declared)*, they give just scandal,  
“*(which is malum in se)*,—that they renounce  
“their religion, as indeed the common acceptation  
“of the words of the oath do import no less.”

## CHAP. XVII.

PRINCIPAL ECCLESIASTICAL ARRANGEMENTS IN  
THE REIGN OF QUEEN ELIZABETH.

BOTH the creed and discipline of the church of England were left at the death of Edward the sixth in a very unsettled state. Speaking of their state at that time, bishop Latimer, in one of his sermons said, “it is yet but a mingle-mangle, a hotch-potch, I cannot tell what ; partly popery, and partly true religion, mingled together. They say in my country, when they call their hogs to the swine trough, ‘come to the mingle-mangle, come, puz, come!’ Even so do they make a mingle-mangle of the gospel.”

I, By the book of common prayer, II, and the thirty-nine articles ; with the aid, III, Of the act of uniformity ; IV, and of the statutes against recusancy, the ecclesiastical Reformation of England was completed : V, The subject leads to some mention of the translations of the Bible during the reign of Elizabeth.

## XVII. 1.

*The Book of Common Prayer.*

THE two revisals of the liturgy, and the confirmation of the latter by two acts of parliament in the reign of Edward the sixth, have been mentioned. Both acts were repealed in the first year of the reign of queen Mary. The second revisal, but with some alterations, was adopted by queen Elizabeth, and received the sanction of the legislature.

Though it be anticipating the order of events, it may be proper to notice in this place, that alterations were made in it in the first year of James the first, in consequence of some things which had been said of it at the conference at Hampton Court. Under the Commonwealth, it was banished from the churches. Immediately after the Restoration, it was solemnly reviewed, some alterations in it made, and, with these, brought to its present state. In December 1661 it was unanimously approved by the houses of convocation of both provinces. In the following March, an act of parliament was passed for its legal establishment. It is there styled "*The Book of Common Prayer.*"

## XVII. 2.

### *The Thirty-nine Articles.*

IN January 1562, both the parliament and the convocation of the province of Canterbury were convened. It appears, that the draft of the thirty-nine articles was presented to the convocation by archbishop Parker, and that the convocation approved them unanimously. All the registers of the convocation having been burned at the memorable fire of London, our information of its proceedings upon the articles must be derived from other sources, and these unfortunately are very imperfect.

We find that the convocation first met at the Chapter-house, at St. Paul's, on the 12th day of January, and held thirty-six several sittings, some-

times at the Chapter-house, and sometimes, by continuation, at king Henry the seventh's chapel at Westminster. Archbishop Parker presided, and was the great mover of all its proceedings. The convocation began by taking into consideration the articles of Edward the sixth. From forty-two they reduced them to thirty-nine, making alterations in some of them. With these alterations the convocation adopted them unanimously; and thus, they had all the authority that the convocation of Canterbury could confer on them.

In 1566, a bill was brought into parliament to confirm them. It passed the commons, but was dropt in the house of lords, by the queen's particular command. In the year 1571, the convocation revised the articles of 1562, and made some alterations in them. In the same year an act was passed, "to provide that the ministers of the church should be of sound religion." It enacted, that "all ecclesiastical persons should subscribe to all the articles of religion, which only concerned the confession of the true faith, and of the sacraments, comprised in a book imprinted, intituled '*Articles whereupon it was agreed by the archbishops and bishops, and the whole clergy in convocation, holden at London in the year of our Lord 1562, according to the computation of the church of England, for the avoiding of the diversities of opinions, and for the establishing of consent touching true religion, put forth by the queen's authority.*'" All the acts of parliament made subsequently to this time, which mention the



articles, refer to this act, as settling the articles, and the rule of subscription to them.

For some reason, which does not now appear, they were confirmed in 1584, by the convocation of Canterbury. In 1628, an edition of them in the English language, was published by the royal authority. To this edition a declaration of king Charles the first is prefixed. It is the exemplar of all the subsequent editions \*.

### XVII. 3.

#### *The Act of Uniformity.*

THIS act was levelled at least as much against the puritans as the roman-catholics. Elizabeth loved the pomp and ceremonial of the catholic church, and the spirit of subordination inculcated by its tenets and discipline. In her chapel, there was an altar, a crucifix, and lighted tapers; copes and rich garments were, at first, used by the officiating ministers, and the knights of the garter bowed before the altar, a ceremony which had been disused by her brother Edward. Something of a conciliatory disposition towards the catholics was shown, by her expunging from the litany the clause introduced into it in the reign of her brother—"From the  
"tyranny of the bishop of Rome, and all his de-  
"testable enormities, good Lord deliver us;"—

\* A fuller account of the 39 articles is given by the writer in his *History of Confessions of Faith*, c. xi, "*On the symbolic books of the church of England*;" it gives a summary statement, "*Of the controversy on the authentic edition of the articles.*"

And, by omitting in the thirty-nine articles, the long refutation of the doctrine of the real presence, introduced into the forty-two articles; and adopting the general expression, that “the body of Christ “is given and received in a spiritual manner, and “the means, by which it is received, is faith.”

The independent spirit of the puritans,—a spirit which had long strongly manifested itself in ecclesiastical, and now began to show itself in political concerns,—both disgusted and alarmed Elizabeth; she perceived that their dislike to any ecclesiastical restraint was accompanied by strong sentiments of political liberty. To guard against these, she caused the Statute of Uniformity to be passed. One object of it was certainly to guard the church and state against the puritans. It is not a little remarkable, that, while she thought her civil and ecclesiastical government stood in need of so strong a defence against the puritans, her confidential ministers, Cecil, Leicester, and Walsingham, and her favourite Essex, were known to be closely connected with them.

The act of uniformity, (1 Eliz. ch. 2.), enjoined all ministers to use the book of common prayer, and none other, in the celebration of divine service; and that every minister refusing to use it; or using any other; or speaking in derogation of the common prayer, should, if not beneficed, for the first offence be imprisoned one year, for the second, be imprisoned for life; and if beneficed, for the first offence, be imprisoned six months, and forfeit a year's value of his benefice; for the second, be

deprived, and suffer one year's imprisonment ; and for the third, be imprisoned for life. And that, if *any person* should speak in derogation of the book, or prevent the reading of it, or cause any other service to be read in its stead, he should forfeit, for the first offence, one hundred marks ; for the second, four hundred, and for the third, all his goods and chattels, and suffer imprisonment for life. Sir William Blackstone, (Book 4. ch. 4), mentions the terror of these laws, as a principal means, under Providence, of preserving the purity as well as the decency of the national worship, and he approves their continuance. These observations produced “ *Remarks on some paragraphs in the fourth volume of Dr. Blackstone's Commentaries on the Laws of England, relating to the Dissenters, by Joseph Priestley, LL.D. F.R.S. 8vo., 1769.*” These remarks sir William Blackstone answered, by “ *A reply to Dr. Priestley's remarks on the fourth volume of the Commentaries on the Laws of England, 8vo., 1769.*”

## XVII. 4.

### *The Statutes of Recusancy.*

THE acts of the 1st Eliz. ch. 2, and 23d Eliz. ch. 1, subjected those, who absented themselves from divine worship in the established church, to a forfeiture of one shilling to the poor, every Lord's day they should so absent themselves, and twenty pounds to the king, if they continued such absence

for a month together. If they kept in their houses any inmate guilty of such absence, they were to forfeit ten pounds for every such month. The penalties were rigorously exacted. Every fourth Sunday of absence was held to complete the month; and thus, in relation to these penalties, thirteen months were supposed to occur in every year. The amount of money thus raised from the catholics was very great. It was chiefly levied on the poorer sort: the rich purchasing from Elizabeth dispensations from attendance on the protestant service. Mr. Andrews\* computes the annual amount of money thus received by Elizabeth for dispensations, at 20,000*l*.

It is to be observed, that, during the first ten years of the reign of Elizabeth, the greater number of English catholics, to avoid the rigour of these laws, attended divine service in the protestant churches. On the lawfulness of this occasional conformity, there appears to have been a difference of opinion among their divines. The case was regularly submitted to the opinion of some eminent theologians then attending the council of Trent: these pronounced such occasional conformity to be unlawful. The justice of this opinion being strenuously inculcated by the missionary priests, was soon universally acquiesced in by the laity.

Those, who thus absented themselves from the protestant church, obtained the appellation of recusants. Till the statute of the 35th Eliz. ch. 2,

\* History of Great Britain, from the death of Henry the eighth to the accession of James the sixth of Scotland, vol. 2. p. 35.



protestants and catholics were equally considered as recusants, and equally subject to the penalties of recusancy : that was the first penal statute made against popish recusants, by that name, and as distinguished from other recusants. From that statute, arose the distinction between protestant and popish recusants ; the former were subject to such statutes of recusancy as preceded that of the 35th of queen Elizabeth, and to some statutes against recusancy made subsequently to that time ; but they were relieved from them all by the act of toleration in the 1st year of king William's reign. From the 35th Eliz. ch. 2, arose also the distinction between papists and persons professing the popish religion, and popish recusants, and popish recusants convict. Notwithstanding the frequent mention in the statute book, of papists, and persons professing the popish religion, neither the statutes themselves, nor the cases adjudged upon them, present a clear notion of the acts or circumstances, that, in the eye of the law, constituted a *papist*, or a *person professing the popish religion*. When a person of that description absented himself from church he filled the legal description of a *popish recusant* : When he was convicted, in a court of law, of absenting himself from church, he was termed in the law a *popish recusant convict*. To this must be added the *constructive recusancy*, hereinafter mentioned to be incurred by a refusal to take the oath of supremacy.

## XVII. 5.

*The new Translation of the Bible.*

IN preceding parts of this work, mention has been made of the English translations of the Bible in the reigns of Henry the eighth and Edward the sixth ; mention will now be made of the translations of it during the reign of queen Elizabeth : these are, 1, The Geneva Bible ; 2, The Bishops' Bible ; 3, The Rheinish Testament.

1. It is remarkable, that, notwithstanding the persecuting spirit, with which the reign of queen Mary is justly charged, Cranmer's Bible was, throughout her reign, permitted to remain on sale.

It has been mentioned, that, to avoid the rigours of her persecution, several, both of the clergy and the laity, left their native country and settled at Geneva, and in its neighbourhood. Some employed themselves in making an English version, completely new, of the sacred writings. In 1557, they printed, in a small duodecimo volume, "*the Newe Testament of Our Lord Jesus Christ, conferred diligently with the Greke and best approved translations. With the arguments as well before the chapters, as for every booke and epistle ; also diversities and readings, and most profitable annotations of all hard places. Whereunto is added a copious table. Printed by Conrad Badvis, M.D.LVII.*" It is printed in a small but beautiful character, and is the first New Testament in the English language, with the distinction of verses by numeral figures.

They proceeded to translate the Old Testament. Queen Mary dying in 1558, most of the exiles returned to England; but some, at least, of the persons employed in the translation, remained at Geneva, and completed the work. Father Simon explicitly accuses it of being only an English version of a French translation made at Geneva some years before. It was published in 1560, in quarto, and is generally called *the Genevan Bible*.

2. It soon became popular in England. Afterwards, Cranmer's version becoming scarce, a new version was resolved upon. The task was allotted to many; the celebrated Matthew Parker, then archbishop of Canterbury, superintended and regulated their labours. Every section, when completed, was communicated to the whole body, and each person was at liberty to offer his remarks. Few works, of such magnitude and importance, have been executed in so short a space of time. It was completed in two years. In 1568, the impression was finished, and the work exposed to sale: it is printed in one volume large folio, on royal paper, in a beautiful English letter, and embellished with several engravings and maps. A copy of it is in the public library at Cambridge. It is sometimes called *Parker's Bible*, but is generally known by the appellation of *The Bishops' Bible*.

Still, the advocates of the Genevan opinions asserted the superiority of the Genevan version, and called the Bishops' Bible a corrupt Bible.— Each version was more than once reprinted.

3. An English version of the New Testament

was printed in 1582, in one volume quarto, by the clergy of the English catholic college, first established at Douay, but then removed to *Rheims*. Their translation of the Old Testament was published at *Douay*, (to which town the college had then returned), in two volumes quarto, in the years 1609 and 1610.

The Rheimish version of the New Testament, but with some variation both in the text and notes, was reprinted at *Douay* in 1600.—It was reprinted at Antwerp, in 8vo, in 1610. In this edition, the text stands by itself: the notes are printed together at the end. The version of the New Testament has been often reprinted. In 1738, it was beautifully printed in London, in one volume folio, and in the title-page is called the fifth edition.

A version of the New Testament, with annotations, was published in 1719, at Paris, by doctor Nary, in one volume 8vo.; another, in two volumes, by doctor Witham, at *Douay* in 1730.

In 1750 a translation both of the Old and New Testament, with much alteration in the text, and much more in the notes, was published from the Rheimish version by the late Dr. Challoner, in five volumes 8vo. In various forms, this has been often reprinted.—Above twenty editions of this version of the New Testament, have come to the knowledge of the writer\*.

\* These repeated editions prove the exaggeration in the charge brought against catholics, of denying to the laity the perusal of the Bible in a vulgar tongue.—See the writer's Essay on the subject, at the end of his History of Confessions of Faith.



## CHAP. XVIII.

## PERSECUTION OF THE CATHOLICS.

IN the history of religious persecution, the reign of Elizabeth fills a considerable space. I, The laws against the roman-catholics: II, The number of those, who suffered capitally under them: III, And the infliction of the torture on many of these, and on some other catholics, will be succinctly mentioned in the present chapter.

## XVIII. 1.

*Sanguinary Laws against the Catholics.*

I. *The laws*, by which the roman-catholics were subjected to capital punishment, in consequence of their religious principles, may be divided into four classes; 1, Those, which punished persons capitally for refusing to take the oath of supremacy; for acknowledging the spiritual supremacy of the pope, or for denying the spiritual supremacy of the queen; 2, Those, which punished roman-catholic clergymen capitally for coming into or remaining in England; 3, Those, which punished persons capitally, who maintained or assisted such clergymen; 4, And those, which punished persons capitally, who were reconciled, or who reconciled others, to the roman-catholic church. To these, may be added the laws, which subjected persons to fine and

imprisonment, for not attending divine service in the form prescribed by law.

Mention has been made of the act of the 1st year of the reign of Elizabeth, by which persons in office, or receiving the queen's fee, who should refuse to take the oath acknowledging the queen's supremacy, were incapacitated from holding any office; and by which, all who denied the supremacy were, for the first offence, punished by the forfeiture of their goods and chattels; for the second, subjected to the penalties of a præmunire; and for the third, rendered guilty of high treason.

By the act of the 27th of her reign, jesuits, and other priests, were ordered to depart the kingdom within forty days; and it was ordained, that those, who should remain beyond that time, or who afterwards returned, should be guilty of treason.

By the same act, those, who received, relieved, comforted, aided or maintained a priest, deacon, or other ecclesiastical person, were declared to be felons, without benefit of clergy.

By the act of the 23d of Elizabeth, ch. 1, persons reconciling others to the roman-catholic religion, and persons so reconciled, were subjected to the penalties of treason.

## XVIII. 2.

*Probable amount of those who suffered Death under these Laws.*

THE total number of these sufferers, is calculated by Dodd, in his *Church History*, \* at one hundred

\* Vol. i. pp. 321, 322, 323, 329.

and ninety-one. Further inquiries\* by Dr. Milner increase their number to 204. Fifteen of these, he says, were condemned for denying the queen's spiritual supremacy; one hundred and twenty-six for the exercise of priestly functions; and the others, for being reconciled to the catholic faith, or aiding or assisting priests. In this list, no priest is included who was executed for any plot, either real or imaginary, except eleven, who suffered for the pretended plot of Rheims, or Rome; a plot which, as the same writer justly observes, was so daring a forgery, that even Camden, the eulogising biographer of Elizabeth, allows the sufferers to have been political victims.

Such, then, being the number of the sufferers, we must feel some surprize, when we read in Hume's history, that "the severity of death was sparingly exercised against the priests in the reign of queen Elizabeth."

It is observable, that the punishment of treason by the law of England is, that the offender should be drawn to the gallows, hanged by the neck, cut down alive, his entrails taken out, while he is yet alive, and his head then cut off. Against the atrocious circumstances, attending this punishment, the humanity of the nation has so far interfered, that

\* Letters to a Prebendary, being an answer to Reflections on Popery, by the Reverend I. Sturges, LL.D. Prebendary and Chancellor of Winchester, and Chaplain to his Majesty; with Remarks on the opposition of Hoadlyism to the Church of England, by the Reverend John Milner, D.D. F.S.A. Lond. et Cath. Acad. Rom. 6th ed. 1817.

the offender now is generally permitted to remain hanging till he is dead. But this mercy was often denied to the catholics, who suffered under these laws. Often, they were cut down alive, in that state ripped open, and their entrails torn out.

Besides the sufferers we have noticed, mention is made in the same work of ninety catholic priests, or laymen, who died in prison, during the same reign ; and one hundred and five others, who were sent into perpetual banishment. " I say nothing," continues the same writer, " of many more, who " were whipped, fined, (the fine for recusancy " was 20 l. a month), or stripped of their property, " to the utter ruin of their families. In one night, " fifty catholic gentlemen, in the county of Lancaster, were suddenly seized, and committed to " prison, on account of their non-attendance at " church. About the same time, I find an equal " number of Yorkshire gentlemen lying prisoners " in York castle, on the same account, most of " whom perished there. These were, every week, " for a twelve-month together, dragged by main " force, to hear the established service performed " in the castle chapel."

Doctor Bridgewater, in a table published at the end of his *Concertatio Catholica*, gives the names of about 1,200, who had been deprived of their livings or estates, or had been imprisoned or banished, or been otherwise victims of persecution for their religion, previously to the year 1588; the period, when the persecution of the catholics began to rise to its greatest height ; declaring, at the same



time, that he was far from having named all ; and that he mentioned the names of those only, which had come to his personal knowledge. Many of these died in prison, and some of them under sentence of death.

### XVIII. 3.

#### *The Torture.*

INCREDIBLE as it may appear to an English reader, it is unquestionably true, that several of those, who suffered death ; and several also who did not suffer capitally, were, previously to their trials, inhumanly *tortured*,—by the *common rack*, by which their limbs were stretched by levers to a length,—too shocking to mention,—beyond the natural measure of their frame ;—or the *hoop*, called the *scavenger's daughter*, on which they were placed, and their bodies bent until the head and the feet met ;—or by confinement in the *little ease*, a hole so small that a person could neither stand, sit, or lie straight in it ; the *iron gauntlet*, a screw, that squeezed the hands until the bones were crushed ; or by *needles* thrust under the nails of the sufferers ; or by a *long deprivation* of necessary sustenance.

It adds to the atrocity of these inflictions, that, in several instances, when the sufferers were put to trial, there was no legal proof established ; and in some, not even any legal evidence offered to substantiate the offence, of which the party was accused.

Recourse was had to the torture, in order to supply this want of legal evidence to convict the accused; and at the same time furnish proofs against others. At the end of Cecil's *Execution of Justice* is usually printed, a *Declaration of the favourable dealing of her majesty's commissioners, appointed for the examination of certayne traitours; and of tortures unjustly reported to be done upon them for matters of religion*. It first appeared in print in 1583, in black letter; and was comprised in six pages quarto. It admits the use of torture in these cases, and states the grounds, on which it was defended. It is inserted in the second volume of the *Harleian Miscellany*, printed in 1808\*.

\* We transcribe from it, the following extract :

“Campion, I say, before the conference had with him by  
 “learned men in the Tower, wherein he was charitably used,  
 “was never so racked, but that he was presently able to  
 “walke, and to write, and did presently write and subscribe  
 “all his confessions, as by the originals thereof may appeare.  
 “A horrible matter is also made of the staruing of one  
 “Alexander Briant, how he should eat clay out of the  
 “walkes, gathered water to drinke from the droppings of  
 “houses, with such other false ostentations of immanitie;  
 “where the trueth is this: that whatsoeuer Briant suffered in  
 “want of foode, he suffered the same wilfully, and of ex-  
 “treme impudent obstinacie, against the minde and liking  
 “of those that dealt with him. For certaine traiterous  
 “writing being founde upon him, it was thought conuenient,  
 “by conference of hands, to vnderstand whose writing they  
 “were, and thereupon, he being, in her Majesty's name,  
 “commanded to write, which he coulde very well doe, and  
 “being permitted to him to write what he woulde him selfe,  
 “in these termes, that if he liked not to write one thing, he  
 “might write another, or what he lysted (which to doe,

The catholic works, to be particularly consulted on this head, are doctor Bridgewater's "*Concertatio ecclesiæ catholicæ in Angliæ, adversus*

" being charged in her Majestie's name was his duetie, and  
 " to refuse was disloyall and vndutifull) yet the man would  
 " by no means be enduced to write any thing at all. Then  
 " was it commanded to his keeper to give vnto him such  
 " meate, drinke, and other conuenient necessities, as he  
 " would write for; and to forbear to give him any thing,  
 " for which he would not write. But Briant, being thereof  
 " aduertised, and often moued to write, persisting so in his  
 " curst heart, by almost two dayes and two nightes made  
 " choise rather to lack foode, than to write for the suste-  
 " nance which he might readily have had for writing, and  
 " which he had indede readily and plentifully, as soon as he  
 " wrote. And, as it is sayde of these two, so is it to be  
 " truly sayde of other, with this, that there was a perpetual  
 " care had, and the queene's seruantes the wardens, whose  
 " office and art it is to handle the racke, were euer, by those  
 " that attended the examinations, specially charged to vse it  
 " in as charitable maner, as such a thing might be.

" Secondly, it is sayde, and likewise offered to be justified,  
 " that neuer any of these seminaries, or such other pretended  
 " catholiques which at any time in her Maiestie's raigne, have  
 " been put to the racke, were, vpon the racke, or in other tor-  
 " ture, demanded any question of their supposed conscience;  
 " as, what they believed, in point of doctrine or faith, as the  
 " masse, transubstantiation, or such like; but only, with what  
 " persons at home, or abroad, touching what plots, practices  
 " and conferences they had dealt, about attempts against her  
 " Majestie's estate or person? Or to alter the laws of the  
 " realme, for matters of religion, by treason or by force? And  
 " how they were perswaded them selues and did perswade  
 " other, touching the pope's bul, and pretense of authoritie  
 " to depose kinges and princes; and namely, for deprivation  
 " of her Majestie, and to discharge subiectes from their  
 " allegiance?

*“ calvino-papistas et puritanos, sub Elizabethâ  
 “ regina, quorundum hominum, doctrinâ et sanc-  
 “ titate illustrium, renovata; ac nunc denuo cen-*

“ Thirdlie, That none of them have been put to the racke  
 “ or torture, no, not for the matters of treason, or partnership  
 “ of treason, or such like, but where it was first known, and  
 “ evidently probable by former detections, confessions, and  
 “ otherwise, that the partie so racked or tortured was guylty,  
 “ and did knowe and could deliuer trueth of the things,  
 “ wherewith he was charged; so as it was first assured that  
 “ no innocent was at any time tormented; and the racke was  
 “ neuer vsed to wring out confessions at aduenture upon vn-  
 “ certainties, in which doing it might be possible, that an  
 “ innocent, in that case, might have been racked.

“ Fourthly, That none of them hath bene racked, or tor-  
 “ tured, vnlesse he had first sayde expressly, or amounting to  
 “ as much, that he wil not till the trueth, though the queene  
 “ commaund him. And, if any of them, being examined, did  
 “ say he could not tell, or did not remember, if he woulde so  
 “ affirme, in such maner as christians among christians are  
 “ belieued, such his answere was accepted, if there were not  
 “ apparent euidence to proue that he wilfully sayde vtruely.  
 “ But if he sayde that his answere, in delieuring trueth,  
 “ shoulde hurt a catholique, and so be an offence against cha-  
 “ ritie, which they sayde to be sinne, and that the queene  
 “ coulde not command them to sinne, and therefore, howso-  
 “ euer the queene commaunded, they woulde not tell the  
 “ trueth, which, they were known to know, or to such effect,  
 “ they were then put to the torture, or els not.

“ Fifthly, That the proceeding to torture was always so  
 “ slowly, so vnwillingly, and with so many preparations of  
 “ perswasions to spare them selues, and so many means to let  
 “ them know, that the trueth was by them to be vttered, both  
 “ in duetie to her maiestie, and in wisdom for them selues,  
 “ as whosoeuer was present at those actions must needs ac-  
 “ knowledge in her maiestie’s ministers, a ful purpose to fol-  
 “ low the example of her owne most gracious disposition:  
 “ whom God long preserve.”



“*tum et eo amplius martyrum, sexcentorumque*  
 “*insignium virorum rebus gestis, variisque certa-*  
 “*minibus, lapsorum palinodiis, novis persecuto-*  
 “*rum edictis, ac devotissimorum catholicorum de*  
 “*Anglicana seu muliebrie potestate, ac Romani*  
 “*pontificis in principes christianos auctoritate,*  
 “*disputationibus et defensionibus aucta, et in tres*  
 “*partes divisa. Augustæ Trevirorum excudebat*  
 “*Henricus Beck, anno 1589.*” — And the late  
 learned and pious doctor Challoner’s, “*Memoirs*  
 “*of missionary priests, as well secular as regular,*  
 “*of both sexes, that have suffered death in England*  
 “*on religious accounts, from the year of our*  
 “*Lord 1577 to 1684; partly from printed ac-*  
 “*counts of their lives and sufferings, published*  
 “*by contemporary authors, in divers languages,*  
 “*and partly from manuscript relations, kept in*  
 “*the archives and registers of the English colleges*  
 “*abroad, and afterwards printed, by eye wit-*  
 “*nesses of their death; divided into two tomes.*  
 “*Printed in the year 1741.*”

#### XVIII. 4.

##### *Trial and Execution of Father Campion.*

AMONG those, who suffered, in the reign of Eliza-  
 beth, none attracted so much attention as father  
*Edmund Campion*, a jesuit. We have a full and  
 authentic account of his trial, sufferings and death,  
 in the late *Doctor Challoner’s Memoirs of Mis-*  
*sionary Priests*, and doctor Bridgwater’s *Concer-*

*tatio*, which we have just mentioned;—in the arraignment of *Edmund Campion, Sherwin, Bosgrave, Cottom, Johnson, Bristow, Kimber, and others, for high treason, 24 Eliz.*; first published in the *Phœnix Britannicus*, p. 481; and in *Cobbett's complete Collection of State Trials*, vol. 1. p. 1050. We shall present the reader with an abstract of the trial of father Campion, from the last-mentioned of these works. It will show the manner in which criminal prosecutions were conducted in the reign of Elizabeth against catholic priests.

Father Campion was born a protestant. He was first educated in Christ's Hospital; and thence removed to St. John's College, Cambridge; where he took the orders of deacon in the church of England. Being converted to the catholic religion, he entered into the society of Jesus, was ordained priest, and, for some time, taught in the university of Prague. In all these situations he was respected and beloved for his eminent learning and piety, and for his mild and pleasing manners. He returned to England, in order to exercise his missionary functions. On the 15th of July 1581, he was apprehended, in a secret room, in the house of a catholic gentleman. After remaining during two days in the custody of the sheriff of Berkshire, he was conveyed by slow journies to London, on horseback; his legs fastened under the horse, his arms tied behind him, and a paper placed on his hat, on which, in large capital letters, were written the words, "Campion, the seditious jesuit." On the 25th, he was delivered to the lieutenant of the

Tower. He was frequently examined before the lord chancellor, or other members of the council, and by commissioners appointed by them. He was required to divulge what houses he had frequented; by whom, he had been relieved; whom, he had reconciled; when, which way, for what purpose, and by what commission, he had come into the realm; how, where, and by whom he printed his books. All these questions, he declined to answer. In order, therefore, to extort answers from him, he was first laid on the rack, and his limbs stretched a little, to show him, as the executioners termed it, what the rack was. He persisted in his refusal;—then, for several days successively, the torture was increased; and, on the two last occasions, he was so cruelly torn and rent that he expected to expire under the torment. Whilst upon the rack he called continually upon God; and prayed fervently for his tormentors, and for those by whose orders they acted.

On the 12th of November, he and his companions were indicted of high treason; “that, in the  
“last March and April, at Rheims in Champaign,  
“Rome, and other parts beyond the seas, he had  
“conspired the death of her majesty, the overthrow  
“of the religion professed in England, the subver-  
“sion of the state; and that, for the attempt  
“thereof, they had stirred up strangers to invade  
“the realm; moreover, that on the 8th of the  
“May following, they took their journey from  
“Rheims towards England, to persuade and seduce  
“the queen’s subjects to the Romish religion, and

“obedience to the pope, from their duties and  
“allegiance to her highness; and that on the first  
“of June they arrived in this country for the same  
“purposes.”

After the indictment was read:—“I protest to  
“God,” said Campion, “and his angels, by  
“heaven and earth, and before this tribunal,—  
“which I pray God may be a mirror of the judg-  
“ment to come,—that I am not guilty of these  
“treasons, or any other. To prove these things  
“against me is impossible.” The prisoners were  
then arraigned, and severally pleaded Not Guilty.

On the 20th of November, they were put to the  
bar for trial. Six were arraigned with Campion.  
Seven were arraigned on the following day. All,  
except one, were priests. When Campion was,  
according to custom, required to hold up his hand,  
“both his arms,” writes a person present at his trial,  
“being pitifully benumbed, by his often cruel rack-  
“ing before, and having them wrapped in a fur  
“cuff, he was not able to lift his hand so high as  
“the rest did, and was required of him; but one  
“of his companions kissing his hands so abused for  
“the confession of Christ, took off his cuff, and so  
“lifted up his arm as high as he could, and he  
“pleaded Not Guilty, as the rest did.”

The first witness produced by the crown, named  
Caddy, or Craddock,—deposed generally against  
all the prisoners, that, “being beyond the seas,  
“he had heard of the holy vow, made between the  
“pope and the English priests, for restoring and  
“establishing religion in England; for which pur-



“pose, two hundred priests should come into the  
“realm. The which matter was declared to Ralph  
“Shelly, an English knight, and captain to the  
“pope, and that he would conduct an army into  
“England, for the subduing of the realm unto the  
“pope, and the destroying of the heretics. Where to  
“Sir Ralph made answer, *that he would rather*  
“*drink poison with Themistocles, than see the*  
“*overthrow of his country*; and added, *that he*  
“*thought the Catholics in England would first*  
“*stand in arms against the pope, before they would*  
“*join in such an enterprise.*”

The reader must be amazed that such evidence could have been offered; evidence, in which nothing could be brought home to the prisoners; and which, if it did prove any thing, proved only the good disposition of the general body of the catholics to the government.

The two next facts, were the allegations of the queen's council, that Campion had conversed with the cardinal of Sicily and the bishop of Ross upon the bull of Pius the fifth. The particulars of these conversations were not mentioned, nor was the slightest evidence brought to show that they had taken place.

The next fact charged on Campion, was, that he had travelled from Prague to Rome, and held a private conference with Dr. Allen, to withdraw the people from their allegiance. No proof of either of these facts was offered. But Campion candidly admitted his journey; a conversation with Dr. Allen; and his mission into this country; but

observed, that the sole object of it was to administer spiritual aid to catholics ; and that cardinal Allen had strictly charged, nay commanded him, not to meddle with matters of state, or government.

A letter written by Campion, was then produced, in which he grieved for having mentioned, on the rack, the names of some roman-catholic gentlemen by whom he had been entertained ; but comforted himself with the reflection, that he had never discovered any secrets therein declared,—Campion replied, that “ every priest was bound by vow, “ under danger of perpetual curse and damnation, “ never to disclose any offence, or infirmity revealed “ to him in confession. That, in consequence of “ his priesthood, he was accustomed to be privy to “ divers mens secrets,—not such as concerned the “ state or commonwealth, but such as charged the “ grieved soul and conscience, whereof he had “ power of absolution.”

The clerk then produced certain oaths, to be ministered to the people, for renouncing obedience to her majesty, and swearing allegiance to the pope ; which papers were found in houses in which Campion had lurked. It does not however appear that any evidence was offered, either respecting the discovery of these papers, or the places in which they were said to have been found. Campion observed that there was no proof that he had any concern in those papers ; that many other persons besides himself, had frequented the houses in which he was said to have lurked ; so that there was nothing which brought the charge home to himself. As

for administering an oath of any kind, he declared, that he would not commit an offence so opposite to his profession, for all the substance and treasure in the world.

Finally,—came the searching charge: “ You “ refuse,” said the counsel for the crown, “ to swear “ to the oath of supremacy.” “ I acknowledge,” answered Campion, “ her highness as my gover- “ ness and sovereign. I acknowledged before the “ commissioners, her majesty, both *de facto et de “ jure*, to be my queen. I confessed an obedience “ due to the crown as my temporal head and pri- “ mate—*this* I said then,—*this* I say now. As for “ excommunicating her majesty,—it was exacted “ of me,—admitting that excommunicating were “ of effect, and that the pope had sufficient power “ so to do, whether then I thought myself dis- “ charged of my allegiance or not. I said this was “ a dangerous question, and that they who de- “ manded this, demanded my blood. But I never “ admitted any such matter,—neither ought I to “ be wrested with any such suppositions. Well, “ since once more it need be answered,—I say “ generally that these matters are merely spiritual “ points of doctrine, and disputable in the schools ; “ *no part of mine indictment, nor given on evi- “ dence*, and unfit to be discussed in the King’s “ Bench. To conclude,—they are no matters of “ fact ; they be not in the trial of the country ; “ the jury ought not to take any notice of them.”

The judge then proceeded to the other prisoners. The evidence produced against them was of the

same nature with that which was urged against Campion. The jury retired, and after deliberating an hour, found them all guilty.

On the first of the following December Campion was led to execution. He was dragged thither to it on a hurdle ; his face was often covered with mud, and the people goodnaturedly wiped it off. He ascended the scaffold,—there, he again denied all the treasons of which he had been accused. He was required “ to ask forgiveness of the queen ; ” he meekly answered, “ wherein have I offended “ her ? In *this* I am innocent ; *this* is my last “ breath, in *this* give me credit. I have, and I do “ pray for her.” Lord Charles Howard asked him “ for which queen he prayed ?—whether for “ Elizabeth the queen ? ”—Campion replied, “ yes, “ for Elizabeth your queen, and my queen.” He then took his last leave of the spectators, and turning his eyes towards heaven, the cart was drawn away. “ His mild death, and sincere protestations “ of innocence,” says the writer, from whom this account is taken, “ moved the people to such compassion and tears, that the adversaries of the “ catholics were glad to excuse his death.”



## CHAP. XIX.

REASONS ASSIGNED TO JUSTIFY THE SANGUINARY LAWS ENACTED IN THE REIGN OF QUEEN ELIZABETH AGAINST CATHOLICS, AND THE RIGOROUS EXECUTION OF THEM.

MENTION has been made of the acts, which were passed against the catholics, in the first, second, and fifth years of the reign of queen Elizabeth. At first, they were not put into particular activity, but towards the tenth year of her reign the system of moderation, if it deserved that name, began to be abandoned. Still the gibbet was not raised, nor the fire kindled during the ten following years; but, from that time, the proceedings of Elizabeth's government against the catholics became sanguinary, and the laws against them were executed with extreme rigour. For this severity, five causes have been assigned: I. The bull of Pius the fifth, assuming to depose the queen from her throne, and to absolve her subjects from their allegiance to her; and the renewals of it by Gregory the thirteenth, and Sixtus the fifth: II. The maintenance of the deposing doctrine by the English missionary priests; and the activity of some in giving effect to the bull of Pius: III. The unsatisfactory answers given by some priests to the six questions on the deposing power, proposed to them

by the order of the government: IV. The establishment of the foreign seminaries, and the missionary labours of the catholic priests in England: V. The laws, of which we are speaking, were also defended by asserting, that the priests who suffered were not executed for their religion, but for acts, which the *law* had made treasonable. The plots against Elizabeth, in which the English catholics are pretended to have been engaged, were also said to justify these measures of persecution. They will be the subject of the following chapter.

## XIX. 1.

*First reason assigned for the sanguinary laws against the catholics.—The Bull of Pius the fifth, and its renewal by Gregory the thirteenth, and Sixtus the fifth.*

IN more than one page of his different works, the writer has taken occasion to express his opinion, that the claim of the popes to temporal power, by divine right, has been one of the most calamitous events in the history of the church. Its effects, since the Reformation, on the English and Irish catholics have been dreadful, and are still felt by them severely\*.

\* The scenes, in which the claims of the popes to temporal power involved them, present the dark side of their character. In most other points of view, they appear to advantage, both in their sacerdotal and regal capacity. That some were infamous by their crimes and vices, is true; it is also true, that an equal number have been eminently distinguished by their talents and virtues, and that, collectively considered,

The bull of Paul the third, deposing Henry the eighth, and absolving his subjects from their allegiance ; and the arrogant answer of Paul the fourth to the ambassador of queen Elizabeth, have been mentioned. We have now to notice the bull, *Regnans in excelsis*, of Pius the fifth. After reciting her offences, this pope, “ out of the fulness of his  
“ apostolic power, declares Elizabeth, being an  
“ heretic, and a favourer of heretics, and her adherents in the matter aforesaid, to have incurred  
“ the sentence of anathema, and to be cut off from  
“ the unity of the body of Christ ; and moreover,” continues the pope, “ we declare her to be deprived  
“ of her pretended title to the kingdom aforesaid,  
“ and of all dominion, dignity, and privilege whatsoever : and also the nobility, subjects, and people of the said kingdoms, and all others which  
“ have in any sort sworn unto her, to be for ever  
“ absolved from every such oath, and all manner of  
“ duty, of dominion, allegiance, and obedience ;  
“ as we also do, by the authority of these presents,  
“ absolve them, and do deprive the same Elizabeth

they will not suffer in a comparison with any other line of sovereigns. Even Voltaire observes, that there was less of barbarism and ignorance in the pope's dominions in the middle ages, than in any other European state. Much certainly was done by them in every part of christendom, to protect the lower ranks against their oppressors,—to preserve peace among kings and princes, and to alleviate the general calamities of the times. Their exertions for the conversion of infidels were unremitted : few nations can read the history of the first introduction of christianity among them without acknowledging great obligations to the popes.

“ of her pretended right to the kingdom, and all  
“ other things aforesaid ; and we do command and  
“ interdict, all and every the noblemen, subjects,  
“ people, and others aforesaid, that they presume  
“ not to obey her, or her monitions, mandates, and  
“ laws, and those, which shall do to the contrary,  
“ we do innodate with the like sentence of ana-  
“ thema.

“ And, because it were a matter of too much  
“ difficulty to carry these presents to all places  
“ where it may be needful, our will is, that the  
“ copies thereof, under a public notary’s hand,  
“ and sealed with the seal of an ecclesiastical pre-  
“ late, or of his court, shall carry altogether the  
“ same credit with all people, judicial and extra-  
“ judicial, as these presents should do if they were  
“ exhibited or shown.—Given at Rome, at St.  
“ Peter’s, in the year of the Incarnation of our  
“ Lord 1570, the 5th of the calends of May, and  
“ of our popedom the 5th year.”

Such was this celebrated bull, ever to be con-  
demned, and ever to be lamented. It is most clear,  
—that the pope assumed by it a right, the exercise  
of which Christ had explicitly disclaimed for him-  
self ;—that it tended to produce a civil war between  
the queen’s protestant and catholic subjects, and  
all the horrors of a disputed succession,—and that  
it could not but involve a multitude of respect-  
able and conscientious individuals in the bitterest  
and most complicated distress. What could have  
fascinated the pontiff, virtuous and pious, as all



historians describe him, to the adoption of such a measure ! \*

Some months after it was published, Mr. John Felton, a catholic gentleman, affixed it to the gate of the palace of the bishop of London. He was apprehended, and tried for high treason ; he confessed the fact, was found guilty, and deservedly executed. His conduct was reprobated, and the English catholics never accepted the bull.

Gregory the thirteenth, the immediate successor of Pius, gave, on the 4th April 1580, an explanation of the bull.—Father Campion, whose trial and condemnation we have mentioned, was accompanied, in his journey to England, by father Parsons. Before they proceeded on their journey, they represented to pope Gregory the thirteenth, that the bull of Pius the fifth should be so understood, “ that  
“ the same should always bind the queen and the  
“ heretics ; but that the catholics, it should, by  
“ no means, bind, as matters then stood, or were ;  
“ but thereafter, when the public execution of that  
“ bull might be had or made.” This, the pontiff granted, by the explanation, which has been mentioned.

It has been termed a mitigation of the bull of Pius.—In respect to Elizabeth and her heretic subjects, it scarcely deserves that description ;—and,

\* Pope Pius v. was beatified by Clement x. in 1672, and canonized by Clement xi. in 1712 ; his festival holds its place in the Roman calendar, on the 5th of May : but in canonizing a saint, the church is far from canonizing all his actions.

as it recognises the principle of the bull of Pius, and suspends the action of it only, until it might be executed, it was scarcely less objectionable, than that very reprehensible document.

It was, accordingly, the subject of vehement censure:—But, “what evil office,” says father Allen, in his *Answer to Cecil*, c. 2, “have these good fathers done herein? What treason is committed more, than, if they had desired his holiness to have discharged the queen and protestants also of all bond of that bull? How could either they, or the rest of the priests doe more dutifullie and discreetlie in this case, than to provide, that all such, with whom they onlie had to deale, might stand free and warranted in their obedience; and commit the rest, that cared not for excommunication, to the judgment of God.”

When the Armada was in preparation and almost ready to sail, pope Sixtus the fifth, by a bull,—which he directed to be published, as soon as the Spanish army should land in England, but the contents of which were, by the directions of his holiness, immediately notified to the English,—“renewed the sentence of Pius the fifth, and Gregory the thirteenth, touching and concerning the deposition of Elizabeth, whom he excommunicated, and deposed anew from all royal dignity, and from the title, right and pretension to the crown of the kingdom of England and Ireland, declaring her illegitimate, and an usurper of the said kingdoms, discharging the subjects of the kingdom, and all others from all obedience, from

“ the oath of fidelity, and from all, in which they  
 “ could be obliged to her, or to any one in her  
 “ name\*.”

The mention of these bulls must be painful to a catholic; but it is an historical obligation;—and when he mentions them, it is his duty to condemn them:—It is pleasing to add, that they were disregarded by the generality of the catholics of England.—How they conducted themselves, when the Armada threatened the coast, we shall afterwards mention. In this place, we shall only add, that the conduct of the clergy was as exemplary as the conduct of the laity. In a petition presented to the queen by some English gentlemen, soon after the defeat of the Armada, (which we shall afterwards have occasion to notice), the subscribers of it say,—  
 “ † we protest to your majesty, before God, that all  
 “ the priests, who ever have conversed with us, have  
 “ acknowledged your majesty, to be their lawful  
 “ queen, *tam de jure quam de facto*, as well of right,  
 “ as for your actual possession of the throne; that  
 “ they pray for you, and exhort your subjects to  
 “ obey you. They profess that it is heresy, and  
 “ contrary to catholic faith, to think that any man  
 “ may lift up his hand against God’s anointed.”

Thus the English catholics spake, and thus they acted. The bulls, therefore, which have been mentioned, were no justification of the sanguinary laws

\* Thuanus, Hist. l. 89.—Meleren, Hist. du Pays Bas, Haye, 1618, l. 15.

† Pattenson’s Image of both Churches, p. 496.

against them :—on the contrary, their loyalty, in the trying circumstances, which have been mentioned, should have obtained for them the protection and encouragement of the state.—It may be granted, that, the papal pretensions made it necessary to watch the catholics with care, and to adopt some precautions in their regard,—but, surely, where guilt was not found, there should not have been tortures, gibbets, or fires.

## XIX. 2.

*Second reason.—The maintenance of the deposing doctrine by the Missionary Priests :—And the activity of some English priests, in giving effect to the Bulls of Pius the fifth, and Sixtus the fifth.*

It was impossible that the proceedings of Elizabeth should not produce great discontents among the catholics. They were fomented by those, whose aim it was to render the catholics odious; and who, for that purpose, endeavoured to draw the young, the wild, and the unwary, into conspiracies, of which they themselves always kept the thread, and moved the puppets at their pleasure ;—by the leaders of the political parties into which the nation was then divided, and each of which sought to increase its own strength by attracting the catholics to it ;—by the ultra-catholics who believed the lawfulness of the pope's pretensions to the deposing power,—and particularly by the Spanish monarch, who, to serve his own views, sought, by forming a Spanish



party among the English catholics, to put those pretensions into execution. The designs and practices of this monarch, the hollowness of his professions of regard for the catholics, and the ruinous tendency of his endeavours to withdraw them from their allegiance, are the subject of a pamphlet, intituled, *The Estate of the English Fugitives, under the king of Spain*, recently re-published in *The State Papers and Letters of Sir Ralph Sadler, edited by Arthur Clifford, esq. vol. II. p. 208.*

An interesting and fair account of these different parties, is given by the reverend Charles Plowden, in his *Remarks on a book, intituled, Memoirs of Gregorio Panzani, 1794, 8vo.*

“ 1. From all the printed and manuscript memoirs which I have seen, (and I have seen many,) “ it appears,” says the reverend gentleman, “ that “ political business formed no part of the education “ of the seminary priests. *The bulk of them* were “ solely intent on fitting themselves for the painful “ duties of missionaries, and on preparing themselves “ for a life of toil and suffering, which they expected and hoped would end in martyrdom. I “ have seen multitudes of letters, written by them, “ from England during Elizabeth’s reign : they all “ breathe an exalted spirit of religious zeal ; they “ describe the missionary successes, the piety, the “ sufferings, the executions of priests and laymen ; “ they frequently deplore the troubles raised by “ apostates and traitors, and the uneasinesses occasioned by the appellant priests ; but *I have* “ rarely found a word relating to public business,

“ *or to their own principles, wishes, or interests,*  
“ *in the political concerns of the nation.* This  
“ must have been an effect of the consummate pru-  
“ dence of Allen, and Parsons, who had forbidden  
“ any questions, in which the rights or pretences  
“ of princes were involved, to be discussed in the  
“ schools, and exercises of the seminaries. It is  
“ however certain, that they all considered queen  
“ Elizabeth as the capital enemy of their religion ;  
“ and as the re-establishment of this religion was  
“ the ultimate end of all their labours and wishes,  
“ they deemed it an happiness to concur to it by  
“ every lawful means in their power. I could  
“ produce many proofs of this disposition of the  
“ seminary priests, *but I have never yet found a*  
“ *syllable, which could prove or indicate a plot,*  
“ *or the concurrence of any of them in any plot*  
“ *against the life or the sovereignty of the queen ;*  
“ *and it is certain, that the instructions to them*  
“ *from pope Gregory the thirteenth, required*  
“ *their civil obedience to the queen, and their*  
“ *public acknowledgment of her sovereignty.*

“ 2. *A few of them had deeper views.*—I have  
“ eagerly searched a number of the letters, and  
“ other writings of father Parsons, besides several  
“ of Garnet, and of cardinal Allen ; and the amount  
“ of what I have discovered is as follows : They all  
“ considered religion as the first happiness and  
“ concern of man ; and the destruction of it by  
“ Elizabeth as the most unwarrantable abuse of  
“ lawless power. They adhered in speculation, to

“ the universal doctrine \* of their own, and of  
“ many preceding ages ; which admitted a limited  
“ temporal authority in the pope, to be exercised  
“ only for the essential service and interests of re-  
“ ligion ; and of course they never questioned the  
“ justice of those temporal and civil deprivations  
“ and forfeitures, which, during so many ages, had  
“ been connected with the spiritual sentence of  
“ excommunication. If this was a crime, it at-  
“ tached equally to all their cotemporaries ; and  
“ surely nothing can be more disingenuous than to  
“ maintain, that our priests, who were condemned  
“ and executed, merely for their priestly character,  
“ did not suffer for their religion ; because some of  
“ them did not roundly deny a doctrine, which  
“ *almost* all christendom believed to be true. How-  
“ ever sincerely *I disapprove of the principle*, on  
“ which the bulls of Pius the fifth, and Sixtus the  
“ fifth, against Elizabeth were grounded ; I am  
“ not surprised that those bulls were approved by  
“ cardinal Allen and his friends ; and it appears  
“ that they would have considered the execution  
“ of them, if they had taken effect, as just and  
“ lawful. It is also certain, (though I find no  
“ traces of it in their letters), that, on account of

\* This, it is necessary to observe, is too largely expressed.  
“ The claim of the popes to the deposing power,” says doctor  
Milner, in his sixth *Letter to a Prebendary*, “ has ever been  
“ contested with such pontiffs, in the very zenith of their power,  
“ by catholics of the most orthodox principles, and exemplary  
“ lives.”

“ the invalidity of Anne Boleyn’s marriage, established by sentence of the holy see, and by various acts of the legislature, they considered Elizabeth as wrongfully placed upon the throne, to the injury of the captive queen of Scotland ; from whom they might expect redress for their sufferings, and the re-establishment of their religion, which, of all things, lay nearest their heart. They remembered, with bitter recollection, that this religion, the exclusive truth of which was an essential tenet, had been, a few years before, protected from the throne, and revered throughout the extent of the empire. They had witnessed the crimes of three successive reigns, which had plundered the churches, defaced the altars, and murdered or ejected the ministers ; they were now themselves sorely persecuted by the unrelenting queen ; and they considered this queen as an usurper. They held freedom of the catholic religion to be the most precious of the rights and dues of mankind, and the obligation of protecting it to be the first duty of the sovereign. On the ancient principle above stated, they conceived the sovereign to be subject to correction from the head of the church, at least for crimes such as Elizabeth had committed ; and on these grounds the execution of the bull of pope Pius by Philip the second would, in their estimation, have been a deed of eminent justice. They knew that private individuals, however injured, might not lawfully use violence to redress their grievances ; but war, denounced by the Spanish



“ monarch, and sanctioned by the sentence of the  
“ pope, was to them at once honourable and lawful.  
“ Hence, *a few of the leading catholic exiles* con-  
“ ceived great hopes from the Spanish armament ;  
“ and cardinal Allen even wrote a short treatise to  
“ prove that the war was just and necessary, to  
“ restore the nation to the enjoyment of those  
“ essential rights of which Elizabeth had forcibly  
“ deprived it. This treatise of the cardinal ap-  
“ pears to have been little known at the time ;  
“ and after the defeat of the Armada it fell into  
“ oblivion. Dodd seems to deny its existence.\*  
“ Impartial persons, however, will not be too hasty  
“ in condemning the venerable author as a traitor  
“ to his country, if they consider, that he was then  
“ become, from necessity, a subject of a foreign  
“ prince ; and conceived himself authorized, by  
“ acknowledged authority, to declare enmity against  
“ her whom he considered as an usurper ; and to  
“ whose usurpation he solely attributed all his  
“ country’s grievances and distresses. Private en-  
“ mity was foreign from his heart ; and his eminent  
“ spirit of religion and honour screens him from  
“ every suspicion of secret revenge, or unautho-  
“ rized hostility.

\* It is divided into two parts, the first, intitled, *a Declaration of the Sentence of Sixtus the fifth* ; the second, *An Admonition to the Nobility and People of England*. It is a justification of the bull of Pius the fifth, and of the renewal of it by Sixtus. The contents of it are most reprehensible ; they were universally condemned by the catholics in England ; it is inconceivable how Allen, who appears to have been an holy man, a gentleman, and a scholar, could have given into such excesses.

“ After the failure of the Spanish Armada, the  
“ utmost political efforts of cardinal Allen, Parsons,  
“ and their friends, seem to have been directed to  
“ procure a catholic successor to the queen ; and  
“ there is evidence, from their letters, that, to  
“ effect this, they endeavoured to engage the in-  
“ terest of the pope, and other catholic powers.  
“ Parsons had laboured ineffectually to secure the  
“ education of the Scottish king in the religion of  
“ his forefathers ; and he had rendered to him  
“ useful services, in the hope of attaching his con-  
“ fidence to the catholic friends of his family.  
“ Though the queen had closed the mouths of  
“ politicians on the question of the succession to  
“ her crown, it was judged by many, that there  
“ would be several pretenders, besides a powerful  
“ party at home, to withhold it from James, whose  
“ mother had been executed as a traitor by Eliza-  
“ beth. When Parsons despaired of attaching him  
“ to the catholic religion, he seems to have wished  
“ the exclusion of James ; and, among the possible  
“ competitors, to have hoped for success to the  
“ pretensions of the infanta of Spain, or the duke  
“ of Parma. He repeatedly declares, that he cares  
“ not who possesses the throne, provided he be a  
“ catholic ; that he leaves that concern to the  
“ princes who were interested in it ; and hopes,  
“ that they will give their support to that pretender,  
“ who, being a catholic, may be most acceptable to  
“ the nation, and to surrounding powers. On this  
“ principle *Doleman*, or the *Conference about the*

“ *succession*, was written, with a view, as a letter  
“ of Parsons says, to open the eyes of the nation  
“ to their main interest, to which the queen’s  
“ policy forbade them to attend. This book, com-  
“ monly attributed to Parsons, was the joint pro-  
“ duction of several: cardinal Allen, and Sir Francis  
“ Englefield, were probably among the principal  
“ compilers; and in the several letters in which  
“ Parsons mentions it, he calls it the work of wise  
“ and good men; but he no where claims a share  
“ of it for himself. This may have been a pru-  
“ dential reserve; and as I think it probable that  
“ he concurred with the others in the composition,  
“ I take it to be certain that he admitted and  
“ approved the principles and sentiments which  
“ the book delivers. In judging the men who  
“ professed these sentiments and principles, it  
“ would be very unfair to forget that they followed  
“ the general maxims of their age, in which our  
“ improved theories of government were unknown;  
“ and that they applied their principles to an ap-  
“ proaching and doubtful event, in which they  
“ were highly interested, and on which no superior  
“ authority had yet laid down a law, that com-  
“ manded universal submission.”

3. This is a sketch by the hand of a master:—  
a more candid account of the inoffensive conduct  
of the general body of the catholics of England,  
in respect to the bull of Pius the fifth; or of the  
deplorable activity of a few, in recommending the  
principles, upon which it was framed, and promot-

ing the measures which it suggested, cannot be given. It shows that *several clergymen, and the general body of the laity, disapproved of both.* This is also shown by several publications, which appeared in the reigns of Elizabeth, and of her immediate successor; and by the admissions of Camden, her historiographer. From these, it is evident, that the catholics, in general, wished to confine the pope to the spiritual government, which St. Peter received from Christ; and blamed those who ascribed to the successors of that apostle, a right to interfere in temporal concerns, or to enforce their spiritual authority by temporal power. Several too, who acquiesced in the bull, thought it unwise to circulate it; deprecated its being put into activity; and lamented the interference of cardinal Allen, and of father Parsons, in seconding the views of Philip the second, and disturbing the succession.

Soon after the accession of the queen, the following quære \*, was framed,—“Whether queen Elizabeth was divested of the kingdoms by the deposing bull of Pius the fifth? Or by any other sentence passed or to be passed? Or her subjects discharged from their allegiance?”—To this question the following answer was given; “Notwithstanding this bull, or any other declaration or sentence of the pope, past or to be past; we hold queen Elizabeth to be the lawful queen of England and Ireland; and that obedience and

\* Caron's Remonstrantia Hibernorum contra Lovanienses ultramontanæque censuras, c. 5, s. 4.



“ fealty are due to her as such, by all her English  
 “ and Irish subjects.”

(Signed) Richard Watson,

John Fecknam,

Henry Cole,

J. Harpsfield,

N. Harpsfield.

Burleigh, in his *Execution of Justice*, says, that Heath, archbishop of York ; and the bishops Poole, Tunstall, White, Oglethorpe, Thurlby, Turberville, and many abbots and deans, acknowledged the same opinion.

Father Caron also mentions, that the *Apology for the Catholics, printed at Douay, and presented to James the first, 1604*, declared, that “ those prelates held themselves to be ready, for the defence  
 “ of the queen, to expose, and oppose themselves  
 “ with all their strength, to any external power,  
 “ whether of the pope, or procured by the pope.”

Cardinal Allen himself, as we are informed by Pattenson, *Image of Churches*, p. 503, “ disap-  
 “ proved of the excommunication, and wished the  
 “ matter had been left to God.”

### XIX. 3.

*Unsatisfactory answers of the Priests to the Six Questions on the deposing power of the Pope, proposed to them by the Queen's Commissioners: Division of opinions of the Clergy on this subject.*

THE writer has now before him, “ a briefe his-  
 “ torie of the glorious martyrdom of twelve reve-

“rend priests, executed within these twelve months,  
 “for the confession and defence of the catholic  
 “faith, but under the false pretence of treason, with  
 “a note of sundry things that befell them in their  
 “life and imprisonment, with a preface, declaring  
 “their innocence, set forth by such as were conver-  
 “sant with them in their life, and present at their  
 “arraignment, 8vo. 1582.”---The twelve priests  
 who suffered, were, Mr. Everard Haunse, who  
 was executed on the 31st day of July 1581: Father  
 Edmund Campion, a short account of whose trial we  
 have given: Mr. Ralph Shirwin, and Mr. Alexander  
 Bryan, who were executed on the 1st of December  
 1581:—Mr. Thomas Forde, Mr. John Shert, and  
 Mr. Johnson, who were executed on the 28th day  
 of May 1582:—Mr. William Filbee, Mr. Luke  
 Kerbie, and Mr. Lawrence Richardson, alias John-  
 son, and Mr. Thomas Cottom, who were executed  
 on the 30th of the same month:—and Mr. John  
 Paine, who was executed on the 2nd day of April  
 1582. After trial, they underwent a private exa-  
 mination. The persons who presided at it, were  
 Popham, the queen’s attorney-general, and Egerton,  
 the queen’s solicitor-general, and two civilians, doc-  
 tor Lewis and doctor Hammond:

They put the six following questions to the  
prisoners:

“13th May, 1582.”

“1. Whether the bull of *Pius quintus* against  
 “the queene’s maiestie, be a lawfull sentence; and  
 “ought to be obeyed by the subiects of England?

“ 2. Whether the queene’s maiestie be a lawfull  
“ queene ; and ought to be obeyed by the subiects  
“ of England, notwithstanding the bul of *Pius*  
“ *quintus*, or any bul or sentence that the pope  
“ hath pronounced, or may pronounce, against her  
“ maiestie?

“ 3. Whether the pope have, or had power to  
“ authorize the Earles of Northumberlande, and  
“ Westmorland, and other her maiestie’s subjects,  
“ to rebell, or take armes against her maiestie, or  
“ to authorize *doctour Saunders*, or others, to  
“ inuade Irelande, or any other her dominions, and  
“ to beare armes against her ; and whether they did  
“ therein lawfully, or no ?

“ 4. Whether the pope have power to discharge  
“ any of her highness subiects, or the subiects of any  
“ christian prince, from their allegiance, or othe of  
“ obedience, to her maiestie, or to their prince for  
“ any cause ?

“ 5. Whether the said *doctour Saunders*, in his  
“ booke of the visible monarchie of the church, and  
“ *doctour Bristowe*, in his booke of motives,  
“ (writing in allowance, commendation, and con-  
“ firmation of the said bul of *Pius quintus*), have  
“ therein taught, testified, or mainteined, a truth,  
“ or falsehood ?

“ 6. If the pope doe by his bull, or sentence, pro-  
“ nounce her maiesty to be depriued ; and no law-  
“ full queene, and her subiects to be discharged of  
“ their allegiance, and obedience, unto her ; and  
“ after the pope, or any other by his appointment,  
“ and authoritie, doe inuade this realme, which part

“ would you take ; or which part ought a good  
 “ subject of England to take ? ”

In this work, which we have noticed, mention is made of an account, published by government, of these questions, and the answers of each of the twelve priests ; and these were stated to be preceded by a preface. After much fruitless search, the author found this publication in the library of the British Museum. It is unquestionably an important document : he, therefore, inserts it in this place, for the perusal of his readers.

“ *A particular Declaration or Testimony, of the*  
 “ *undutifull and traiterous affection borne against*  
 “ *her Majestie by Edmond Campion, jesuite, and*  
 “ *other condemned priestes, witnessed by their owne*  
 “ *confessions : in reproofe of those slanderous*  
 “ *bookes and libels delivered out to the contrary*  
 “ *by such as are maliciously affected towards her*  
 “ *Majestie and the State.*

“ *Published by authoritie. Imprinted at Lon-*  
 “ *don by Christopher Barker, printer to the*  
 “ *queen's most excellent Majestie, An. Do. 1582.*  
 “ *Motto, 1 Peter ii. 13. Submit, &c.*”

[On the back of this page the arms of the queen are engraved :—On the opposite page the following address begins :]

“ To all her Majestie's good and faithfull  
 “ subjects.

“ **ALTHOUGH** the course of proceeding in the late  
 “ inditement, arraignment, tryall, judgement, and  
 “ execution of Edmond Campion and others, being



“ as well upon sundrie of their writings, letters and  
“ confessions, as also upon other good and manifest  
“ proves, found guilty of high treason, was such, as  
“ ought in trueth and reason, to satisfie all indif-  
“ ferent persons and well-affected subjectes, to  
“ whome her majestie’s merciful and gracious incli-  
“ nations towards offenders, is so well knowen ;  
“ yet hath it bene found that some disloyall and  
“ unnaturall subjects have untruely spread abroad  
“ sundry rumours and reportes, and have published  
“ divers slanderous pamphlets and seditious libels,  
“ as well in this realme, as in foraine partes, in  
“ sundry strange languages, in excuse and justifica-  
“ tion of the said traytours so justly executed, with  
“ purpose to defame her majestie’s honourable course  
“ of justice, so much as lyeth in them, setting out  
“ those condemned persons as men of singular  
“ vertue and holiness, and as her highnesse’s true,  
“ loyal, devote and obedient subjects, and in no wise  
“ spotted with any staine of ill-disposed affection  
“ towards her majestie, being not otherwise to be  
“ charged, then with certaine points of religion  
“ that concerneth only matters of conscience, that  
“ were no way prejudicial to her majestie’s state and  
“ government, with divers like untruthes, which are  
“ ment shall bee hereafter answered more at large,  
“ whereby both the malice of the writers may be  
“ made knowen to the worlde, and her majestie’s  
“ most mercifull and gracious government may bee  
“ preserved from the malice of such unnaturall and  
“ undutifull subjects. In the mean time, notwith-  
“ standing the lords and others of her majestie’s most

“honourable privie counsell, being desirous that  
“the dutifull subjectes may bee preserved from the  
“undermyning of such seditious slanderers, whereby  
“otherwise they might happely by such wicked  
“illusions be carried into some hard conceites,  
“touching the due and lawfull proceeding against  
“the sayde traytours: have found it very expedient,  
“that as well certaine confessions taken of  
“the said Campion and others before his arraignment,  
“as also certaine answeres lately made to  
“certaine articles propounded to those that were  
“at the same time condemned of high treason, but  
“yet spared from execution, should bee published  
“truely and sincerely, in such precise forme of  
“words, as the same have bene acknowledged and  
“subscribed, not onely with the proper hands of  
“certaine persons of publique calling and credite  
“that were present at their examination, and have  
“subscribed thereunto, but also with the proper  
“hands of the offenders themselves (Harte only  
“excepted), as appeareth by the originals extant  
“to be shewed, whereby it may be most evidently  
“seene even by themselves still persisting in their  
“most trayterous affection, how untruely the said  
“persons are reported to have been, and to bee  
“true and faithfull subjects in matter of her majestie’s  
“estate and crowne, and howe justly they  
“were condemned for treason, and not for points  
“of religion, being those, that having bene by her  
“majestie’s clemencie so long spared upon hope of  
“repentance, continue yet still in such trayterous  
“disposition of heart towards her highnesse, two

“ of them only nowe acknowledging their true duetie  
“ of allegiance, though in pointes of religion not  
“ reconciled, as also one other named Edward  
“ Rishton, that did before, openly at the barre at  
“ the time of his arraignment (varying from Cam-  
“ pion and the rest of his fellowes therein), acknow-  
“ ledge his said duetie and allegiance to her majestie:  
“ towards whom (to thend it may appeare unto the  
“ worlde that the said Campion and the rest that  
“ were executed, were not put to death for points  
“ that concerneth matters of conscience, but for  
“ treason:) her majestie doth meane to extend her  
“ grace and mercie, hoping that as it hath pleased  
“ God to frame their consciences to acknowledge  
“ towards her that duetie of allegiance that by the  
“ lawes of God and man they owe unto her as their  
“ most lawful prince and soveraigne; so he will here-  
“ after open their eyes to see, howe dangerously they  
“ have bene hitherto through false and erronious  
“ doctrine seduced, as well in matters concerning  
“ their dutie towards God, as in their allegiance  
“ towards their prince. It is also looked for, that  
“ all such as make profession to bee dutifull and  
“ well-affected subjects, howsoever they be affected  
“ in religion, seeing the most dangerous and per-  
“ nicious opinions that are helde and maintained  
“ by these jesuites and seminary men sent into this  
“ realme, will hereafter as wel in respect of the  
“ duety they owe unto her majestie, as for the care  
“ they ought to have as good members of this  
“ realme to preserve the tranquillitie thereof, as a  
“ thing that importeth every man’s particular duety,

“ not only refuse to receive and harborough such  
 “ disloyall persons, but also doe their uttermost  
 “ indeavour to apprehend them, and to present them  
 “ to justice, whereby they may receive such con-  
 “ digne punishment as is meete to bee inflicted  
 “ upon disturbers of the publike peace in realmes  
 “ and kingdomes.”

Here, the address closes : It is immediately followed by the ensuing extracts from the works of Dr. Sanders and Dr. Bristow.

*D. Sanders de visibili monarchia, lib. 7, p. 730.*

“ Dr. Sanders reporteth, that in the yeere 1569,  
 “ Pius quintus Pontifex Maximus (the pope) sent  
 “ Nicholas Morton, Englishman, doctor of divinitie,  
 “ into England, to admonish certaine catholique  
 “ noblemen, Elizabetham quæ tunc rerum potie-  
 “ batur, hæreticam esse : ob eamque causam omni  
 “ dominio & potestate, quam in catholicos usurpa-  
 “ bat, jure ipso excidisse, impunèque ab illis velut  
 “ ethnicam & publicanam haberi posse, nec eos  
 “ illius legibus aut mandatis deinceps obedire cogi.  
 “ Which is to say, That Elizabeth which then go-  
 “ verned, was an hereticke, and for that cause hath  
 “ by very law lost all dominion and power which  
 “ she usurped over the catholiques, and may freely  
 “ be accompted by them as a heathen and publicane,  
 “ and that they are not from thenceforth bounde to  
 “ obey her lawes or commandements.

“ Whereupon he sayth, that many noble men  
 “ adventured to deliver their brethren ab heretico-



rum tyrannide, from the tyrannie of the heretiques.  
 And although things fell not out to their expectation, yet he sayeth, Illorum nobilium laudanda consilia erant, quæ certo suo, eoque felici successu non caruerunt. Quanquam enim omnium fratrum suorum animas, e schismatis puteo educere non potuerunt, tamen & ipsi fidem catholicam egregiè confessi sunt, & multi eorum animas pro fratribus (qui summus est charitatis gradus) possuerunt, & reliqui seipsos, tum ex hæreseos, tum ex peccati servitute in libertatem vendicarunt eam, qua Christus nos liberavit. That is to say, the purposes or endeavors of these noblemen were to be prayed, which wanted not their certaine and happy successe. For though they were not able to drawe the soules of all their brethren out of the pit of schisme, yet both they themselves nobly confessed the catholique faith, and many of them gave their lives for their brethren, which is the highest degree of charitie, and the rest of them reskued themselves from the bondage both of schisme and of sinne, into that freedom, wherewith Christ hath made us free."

*Bristowe in his Booke of Motives, published with allowance of Dr. Allen, in the 15th motive, fol. 72. c. 73.*

For a full answer to them all, although the very naming of our catholique martyrs, even of this our time, to any reasonable man may suffice,

“ as the bishop of Rochester, sir Thomas Moore,  
“ the monks of the Charterhouse, with many more  
“ under king Henry : and now of late time, all our  
“ holy martyrs that have been and dayly are made,  
“ by losse of their livings, by poyson, by whipping,  
“ by famishing, by banishment, bishops, priests,  
“ deanes, archdeacons, canons, ecclesiasticall per-  
“ sons of all sortes, knightes, esquires, gentlemen,  
“ laymen of all sortes ; so many likewise that have  
“ openly suffered, the good earl of Northumberland,  
“ D. Storie, Felton, the Nortons, M. Woodhouse,  
“ M. Plumtree, and so many hundreths of the  
“ northernmen : such men both in their life and  
“ at their death, as neither the enemies have to  
“ stayne them, as their owne consciences, their  
“ owne talke, and the worlde itselfe doeth beare  
“ good witnesse : many of them also, and therefore  
“ all of them (because of their owne cause), being  
“ by God himselfe approved by miracles most  
“ undoubted. Although, I saye, no reasonable  
“ man will thinke those stinking martyrs of the  
“ heretiques, worthy in any respect to be compared  
“ with these most glorious martyrs of the catho-  
“ liques, yet supposing,” &c.

*Sanders, lib. 7. p. 732.*

“ Speaking of the northern commotion, he saith,  
“ Certè quidem illud miraculo imputetur necesse  
“ est, quod cum viri fere quingenti ex iis, qui arma  
“ pro fide sumpserunt, ab hæreticis capti, & morte  
“ affecti essent, nemo illorum repertus sit, qui aut

“ fidem catholicam deseruerit, aut belli ejus authores  
 “ alicujus culpæ accusarit. That is to say, Verely  
 “ this must needs be imputed to a miracle, that  
 “ whereas nere five hundred men of those that  
 “ tooke armes for the faith, were taken and put to  
 “ death by the heretiques, yet there hath not bene  
 “ founde any one of them, which hath either forsaken the catholique faith, or hath accused of any  
 “ blame the authors of that warre.

“ And a little after, Nobile etiam martyrium in  
 “ eadem causâ subierunt duo viri nobiles de familia  
 “ Nortonorum, ex quibus alter dicebatur Thomas  
 “ Nortonus, alter verò Christopherus, & Christopherus quidem Thome nepos erat ex fratre, ille  
 “ autem huic patruus. Qui ambo nec à fide sua  
 “ dimoveri, nec ut Elizabetham confiterentur legitimam reginam adduci potuerunt, &c. That is  
 “ to say, There suffered also a noble martyrdom  
 “ in the same cause, two worshipfull gentlemen of  
 “ y<sup>e</sup> house of Nortons, of whome the one was  
 “ called Thomas Norton, the other Christopher,  
 “ and Christopher was Thomas his brother’s sonne,  
 “ and Thomas was Christopher’s uncle, which both  
 “ could neither be removed from their faith, nor  
 “ be brought to confesse Elizabeth to be lawfull  
 “ queene.”

*Sanders, lib. 7. p. 734.*

“ After a long recitall of the causes that moved  
 “ Pius quintus to excommunicate her majesty, he  
 “ sayth, De apostolicæ potestatis plenitudine de-

“ claravit, prædictam Elizabetham hæreticam &  
“ hæreticorum fautricem, eique adherentes in præ-  
“ dictis anathematis sententiam incurrisse. Quin  
“ etiam prætenso regni prædicti jure, necnon omni  
“ & quocumque dominio, dignitate, privilegioque  
“ privatam. Itemque proceres, subditos & populos  
“ dicti regni, ac cæteros omnes qui illi quomodo-  
“ cunque juraverant, a juramento hujusmodi, ac  
“ omni prorsus dominii, fidelitatis & obsequii de-  
“ bito, perpetuò absolutos, prout illos tunc sententiæ  
“ suæ autoritate absolvit; & privavit eandem  
“ Elizabeth prætenso jure regni aliisque omnibus  
“ supradictis: præcepitque & interdixit universis  
“ & singulis proceribus, subditis, populis & aliis  
“ prædictis, ne illi, ejusve monitis, mandatis aut  
“ legibus auderent obedire. Qui secus agerent,  
“ eos simili anathematis sententia innodavit. That  
“ is to say, Of the fulnesse of apostolike power,  
“ hath declared the said Elizabeth an hereticke,  
“ and a favourer of heretiques, and that such as  
“ adhere to her in the premisses, have incurred the  
“ sentence of anathema accursed. Moreover, that  
“ she is deprived of her pretended right of the said  
“ kingdom, and also of al and whatsoever dominion,  
“ dignitie and priviledge. Furthermore, that the  
“ nobles, subjects, and peoples of the said realme,  
“ and all other which any wise whatsoever have  
“ taken othe unto her, are assoyled for ever from  
“ such othe, and utterly from all duetie of allege-  
“ ance, fidelitie and obedience, even as he then  
“ assoyled them by authoritie of his sentence, and  
“ deprived the same Elizabeth of her pretended



“ right of the kingdom, and all other things above  
“ sayd. And he hath commaundeth and forbidden  
“ all and every the nobles, subjectes, peoples, and  
“ other aforesayde, that they be not so bolde to obey  
“ her, or her advertisements, commaundements or  
“ lawes : and whosoever otherwise do, he hath  
“ bounde with like sentence of curse.”

*Bristowe in his 6th Motive, fol. 31.*

“ Whereby it is manifest, that they do miserably  
“ forget themselves, who feare not excommunica-  
“ tions of Pius quintus of holy memory, in whome,  
“ Christ himselve, to have spoken and excommuni-  
“ cated as in Saint Paul, they might consider by  
“ the miracles that Christ by him as by Saint Paul  
“ did worke.”

*In his 40th Motive, under the title, Obedient  
Subjectes.*

“ And if at any time it happen, after long tolera-  
“ tion, humble beseeching and often admonition of  
“ very wicked and notorious apostates and here-  
“ tiques, no other hope of amendement appearing,  
“ but the filthie daily more and more defiling him-  
“ selfe and others, to the huge great heape of their  
“ owne damnation, that after all this soveraigne  
“ authoritie of our common pastor in religion for  
“ the saving of soules do duely discharge us from  
“ subjection, and the prince offender from his do-  
“ minion : with such grieve of the heart it is both  
“ done of the pastor and taken of the people, as if

“ a man should have cut off from his bodie for tō  
 “ save the whole some most principall, but rotten  
 “ part thereof.”

*Sanders, lib. 7. fol. 744.*

“ Under this title, Insigne martyrium Johannis  
 “ Feltoni. The honourable martyrdome of John  
 “ Felton, &c. he sayth of Felton in this maner. Is  
 “ enim, catholicæ fidei studio zeloque adductus, cū  
 “ penè desperatam patriæ suæ valetudinem non  
 “ nisi acerbissima aliqua medicina restitui posse  
 “ animadverteret, noluit committere ut hæc sen-  
 “ tentia summi pastoris cives ac proximos suos la-  
 “ teret. That is to say, For he, led with the love  
 “ and zeale of the catholique faith, when he saw,  
 “ that the (in a maner) desperate health of his  
 “ countrey could not be restored, but by some most  
 “ bitter medicine, would not suffer that this sen-  
 “ tence of the soveraigne pastors should be hidden  
 “ from his countreyemen and neighbours.

“ And after the further report of his facte, thus,  
 “ Cum vero de hac re diligentissime quereretur,  
 “ Johannes Feltonus tandem apprehensus, dignum  
 “ se Jesu Christi, & primatus ab eo instituti testem  
 “ exhibuit.

“ But when most diligent inquirie was made  
 “ thereof, John Felton being at length appre-  
 “ hended, showed himselfe a worthy witness of  
 “ Jesus Christ, and of the supremacie by him  
 “ ordayned.

“ Under this title: Illustre martyrium Johannis

“ Storæi Angli, &c. The noble martyrdome of  
 “ John Storey, Englishman, &c. Anno autem  
 “ Domini 1571, 25 die mensis Maii, productus  
 “ in judicium, perduellionis reus peragitur, veluti  
 “ qui conjurationem cum certis viris apud Belgas  
 “ in civitate Antwerpiensi contra Elizabetham ini-  
 “ visset, religionemque schismaticam qui jam in  
 “ Anglia regnat, in catholicam commutare tentasset.  
 “ Facta vero pro se dicendi potestate, fori tantum  
 “ exceptionem proposuit, negans judices ipsos ullam  
 “ in se potestatem habere, qui jam non Anglicanæ  
 “ principi, sed potius regi catholico subjectus esset.

“ That is to say, In the year of our Lord 1571,  
 “ the twenty-five day of the moneth of May, being  
 “ brought to the barre, hee was arraigned of hie  
 “ treason, as he had conspired with certayne men  
 “ in the Lowe Countrey, in the citie of Antwerpe,  
 “ against Elizabeth, and had attempted to change  
 “ the schismatical religion which now reigneth in  
 “ England, into the catholique religion. Being per-  
 “ mitted to speak for himselfe he only pleaded to  
 “ the jurisdiction of the court, denying that the  
 “ judges themselves had any power over him, which  
 “ was now no subject to the English queene, but  
 “ rather to the king catholique.

“ And after further discourse of the speaçh of  
 “ Dr. Storey, and of his condemnation, hee addeth  
 “ thus: Storæus autem biduo pòst, cum ad uxorem  
 “ Louanii agentem scriberet, deque hujus senten-  
 “ tiæ injustitiâ quereretur: significavit perfacile  
 “ sibi fuisse, si apud alios judices actum esset, id  
 “ quod de conjuratione contra Elizabetham facta

“ obijciabatur confutare. Cujus rei testes citabat  
 “ illos ipsos, quibuscum Antuerpiæ hac de re egisse  
 “ dicebatur. Verum quia hoc quod probe sciret  
 “ nescire non posset, integrum sibi non fuisse aliter  
 “ causam dicere quam dixisset. Intellexit vero  
 “ probe se scire, prætensam Angliæ reginam per  
 “ declaratoriam summi pontificis sententiam ob  
 “ hæresim manifestam omni jure regni, dominioque  
 “ privatam esse, ac propterea magistratum nullum  
 “ ab illâ creatum, eique adhærentem a se agnoscere  
 “ posse, ne forte ipse etiam eodem anathemate  
 “ innodaretur.

“ That is to say, Storie two dayes after, writing to  
 “ his wife, who remayned at Lovaine, and complain-  
 “ ing of the unjustice of this sentence, he advertised  
 “ her that he could easily (if the matter had been  
 “ tryed before other judges) confute what was ob-  
 “ jected to him, touching the conspiracie made  
 “ against Elizabeth, whereof he alleadged for wit-  
 “ nesses, those with whome he was sayd to have  
 “ dealt at Antwerpe about this matter : but because  
 “ he could not be ignorant of that which he well  
 “ knew, he could not otherwise plead than he had  
 “ pleaded. His meaning was, that he well knewe  
 “ y<sup>t</sup> the pretended queene of England by the de-  
 “ claratory sentence of the pope, was for manifest  
 “ heresy deprived from all right of the kingdome,  
 “ and from dominion, and that therefore no magis-  
 “ trate created by her, and adhering to her, could  
 “ be acknowledged by him, least himselfe also  
 “ shoulde be bounde with the same curse.

“ And in the ende, In ipsis ergo calendis Junii,



“ tantus Dei martyr, injectus crati, ad locum sup-  
 “ plicii trahitur. Therefore the first day of June,  
 “ so great a martyr of God, was throwen upon a  
 “ hardell, and drawen to the place of execution.  
 “ And so concludeth with the report of his exe-  
 “ cution.”

*The 1st of August 1581.*

“ *Edmund Campion* being demanded whether  
 “ he woulde acknowledge the publishing of these  
 “ thinges before recited by Saunders, Bristowe and  
 “ Allen, to be wicked in y<sup>e</sup> whole, or any part:  
 “ and whether he doeth at this present acknowledge  
 “ her majestie to be a true and lawfull queene, or  
 “ a pretensed queene, and deprived, and in posses-  
 “ sion of her crowne onely de facto. He answereth  
 “ to the first, that he medleth neither to nor fro,  
 “ and will not further answere, but requireth that  
 “ they may answere.

“ To the second he saith, that this question de-  
 “ pendeth upon the fact of Pius quintus, whereof  
 “ he is not to judge, and therefore refuseth further  
 “ to answere.

“ *Edmond Campion.*

“ This was thus answered and subscribed by Ed-  
 “ mond Campion, the day and yere above written,  
 “ in the presence of us,

“ Owen Hopton.

“ Jo. Hammond.

“ Robert Beale.

“ Thomas Norton.”

*Short extracts out of Briant and Sherwin's  
Confessions.*

“ Alexander Briant.—He is content to affirme,  
“ that the queene is his soveraigne lady, but he  
“ will not affirme that she is so lawfully, and ought  
“ to be so, and to be obeyed by him as her subject,  
“ if the pope declare or command the contrarie.  
“ And he saith, that that question is too high, and  
“ daungerous for him to answeare.

“ The 6th of May 1581, before Owen Hopton,  
“ knight, John Hammond, and Thomas Norton.

“ Whether the pope have authoritie to with-  
“ draw from obedience to her majesty, he knoweth  
“ not.—The 7th of May 1581.

“ *Alexander Briant.*”

*Robert Sherwin's Examination.*

“ Being asked whether the pope's bull of depri-  
“ vation of the queene were a lawful sentence or  
“ no, he refuseth to answeare.

“ Being asked whether the queene be his lawful  
“ soveraigne, and so ought to continue notwith-  
“ standing any sentence that the pope can give,  
“ he doth not answeare.

“ Being againe asked whether the queene be his  
“ soveraigne, notwithstanding any sentence that the  
“ pope can give, he prayed to bee asked no such  
“ question as may touch his life.

“ The 12 of November 1580.

“ *Ralphe Sherwin.*”

*Luke Kirby's answer.*

“ Luke Kirby, to the first saith, that the resolutiō of this article, depēdeth upon the general question, whether the pope may, for any cause, depose a prince ; wherein his opinion is, that, for some causes, he may lawfully depose a prince ; and that such sentence ought to be obeyed.

“ To the second, he thinketh, that, in some cases, (as infidelitie, or such like) her maiestie is not to be obeyed against the pope’s bul and sentence ; for so hee saith, hee hath read, that the pope hath so done, *de facto*, against other princes.

“ To the third, he saith, he cannot answer it.

“ To the fourth, that the pope (for infidelitie) hath such power as is mentioned in this article.

“ To the fifth, he thinketh, that doctour *Saunders*, and doctour *Bristowe*, might be deceived in these poynts of their bookes ; but whether they were deceived or not, he referreth to God.

“ To the last, he sayth, that when the case shall happen, he must then take counsel what were best for him to doe.

“ *Luke Kirby.*

“ John Popham,

“ Da. Lewes,

“ Thomas Egerton,

“ John Hammond.”

*Thomas Cottom's answer.*

“ Thomas Cottom.—To the first, in this, and all other questions, he beleeveth as the catholique

“ church (which he taketh to be the church of  
 “ Rome) teacheth him. And other answer he  
 “ maketh not to any of the rest of these articles.

“ *By me Thomas Cottom, priest.*

“ John Popham,                      “ Da. Lewes,  
 “ Thomas Egerton,              “ John Hammond.”

*Lawrence Richardson's answer.*

“ Lawrence Richardson.—To the fifth article  
 “ hee answereth, that so far as doctour *Saunders*,  
 “ and doctour *Bristowe*, agree with the catholique  
 “ doctrine of the church of Rome, he alloweth  
 “ that doctrine to be true : and touching the first,  
 “ and all the rest of the articles, he saith, that in  
 “ all matters, not repugnant to the catholic reli-  
 “ gion, hee professeth obedience to her maiestie,  
 “ and otherwise maketh no answer to any of them ;  
 “ but, believeth therein, as hee is taught by the  
 “ catholique church of Rome.

“ *Lawrence Richardson.*

“ John Popham.                      “ Da. Lewes.  
 “ Thomas Egerton.              “ John Hammond.”

*Thomas Forde's answer.*

“ Thomas Forde.—To the first, he saith, that he  
 “ cannot answer, because he is not priuy to the  
 “ circumstances of that bull ; but if he did see a  
 “ bull published by Gregory the thirteenth, he  
 “ would then deliuer his opinion thereof.

“ To the second, he sayeth, that the pope hath



“authoritie to depose a prince on certain occasions;  
 “and when such a bull shall be pronounced against  
 “her maiestie, he will then answere, what the  
 “duety of her subjects, and what her right is.

“To the third, he saith, he is a private subject,  
 “and will not answere to any of these questions.

“To the fourth, hee sayth, that the pope hath  
 “authoritie, upon certaine occasions, (which he will  
 “not name) to discharge subjects of their obedience  
 “to their prince.

“To the fifth, he saieth, that doctour Saunders  
 “and doctour Bristowe bee learned men; and whe-  
 “ther they have taught truely in their bookes,  
 “mētioned in this article, hee referreth the an-  
 “swere to themselves; for himself will not answere.

“To the last, he sayeth, that when that case  
 “shall happen he will make answere, and not  
 “before.

“*Thomas Forde.*”

“John Popham.

“Da. Lewes.

“Thomas Egerton.

“John Hammond.”

*John Shert's answere.*

“John Shert.—To all the articles he saith, that  
 “he is a catholique, and swarveth in no poynte  
 “from the catholique faith; and, in other sort, to  
 “any of these articles he refuseth to answere.

“*John Shert.*”

“John Popham.

“Da. Lewes.

“Thomas Egerton.

“John Hammond.”

*Robert Johnson's answer.*

“ Robert Johnson.—To the first, he saith, he  
“ can not answer.

“ To the second, he cannot tell what power or  
“ authoritie the pope hath in the poynts named in  
“ this article.

“ To the third, he thinketh, that the pope hath  
“ authoritie, in some cases, to authorize subjects to  
“ take arms against their prince.

“ To the fourth, he thinketh, that the pope, for  
“ some causes, may discharge subjects of their alle-  
“ giance and obedience to their natural prince.

“ To the fifth, the answer to this article de-  
“ pendeth upon the lawfulnessse of the cause, for the  
“ which the pope hath given sentence against her :  
“ but, if the cause was just, then hee thinketh  
“ the doctrine of doctour *Saunders* and doctour  
“ *Bristowe* to be true. Whether the cause were  
“ just or not, he taketh not upon him to judge.

“ To the last, he saith, that if such deprivation  
“ and invasion should be made for temporal matter,  
“ he would take part with her maiestie, but if it  
“ were for any matter of his faith, he thinketh, he  
“ were then bounde to take part with the pope.

“ *Robert Johnson.*

“ John Popham.

“ Da. Lewes.

“ Thomas Egerton.

“ John Hammond.”

*John Hart's Answer.*

“ John Hart.—To the first he saith, that it is  
“ a difficult question, and that he cannot make  
“ answer thereto.

“ To the second hee saith, that her majestie is  
 “ lawful queene, and ought to be obeyed, not-  
 “ withstanding the bul supposed to be published by  
 “ Pius quintus. But whether she ought to be  
 “ obeyed and taken for lawful queene, notwith-  
 “ standing any bull or sentence that the pope can  
 “ give, he saith, he can not answer.

“ To the third, he cannot answer, and further  
 “ saith, that he will not meddle with any such  
 “ questions.

“ To the fourth he saith, he is not resolved, and  
 “ therefore he can not answer.

“ To the fifth he saith, he will not deale with  
 “ any such questions, and knoweth not whether  
 “ Saunders and Bristowe have taught wel herein  
 “ or not.

“ To the last he saith, that when such a case shall  
 “ happen he will then advise what becommeth him  
 “ to do, for presently hee is not resolved.

“ This hee did acknowledge to us, after hee had  
 “ fully perused the same, but refused to subscribe  
 “ to it.

“ John Popham. “ Da. Lewes.

“ Thomas Egerton. “ John Hammond.”

Then followeth,

*William Filbee, his answer.*

“ William Filbee.—To the first, he saith, the pope  
 “ hath authoritie to depose any prince ; and such  
 “ sentences, when they bee promulgated, ought

“ to be obeyed by the subjects of any prince ;  
“ but touching the bul of *Pius quintus*, he can  
“ say nothing ; but if it was such, as it is affirmed  
“ to be, he doth allow it, and saith that it ought  
“ to be obeyed.

“ To the second, he saith, it is a hard question,  
“ and, therefore, he cannot answer it ; but upon  
“ further advertisement, he answereth, as to the first.

“ To the third, he knoweth not what to saye  
“ thereunto.

“ To the fourth, hee sayeth, that so long as her  
“ maiestie remaineth queen, the pope hath no au-  
“ thoritie to warrant her subjects to take armes  
“ against her, or to disobey her ; but if he should  
“ depose her, then he might discharge them of their  
“ allegiance and obediēce to her maiestie.

“ To the fifth, he sayth, he will not meddle with  
“ the doctrine of doctour Saunders and doctour  
“ Bristowe.

“ To the last, when this case happeneth, then he  
“ sayeth he will answer ; and if he had been in  
“ Ireland when doctour Saunders was there, he  
“ would have done as a priest should have done,  
“ that is, to pray that the right may have place.”

*James Bosgrave his Answer.*

“ James Bosgrave.—To the first he sayeth, that  
“ in his conscience, and as hee shall answer before  
“ God, he thinketh that the bull or sentence of  
“ excommunication of *Pius quintus* against her  
“ majestie, was at no time lawfull, neyther was at



“ any time, or is of any of her majestie’s subjects  
“ to be obeyed.

“ To the second he sayeth, that her majestie  
“ is lawfull queene of this realme, and so ought  
“ to be taken, notwithstanding any bull or sentence  
“ that the pope eyther hath, can, or shall hereafter  
“ give.

“ To the third, he thinketh the pope had no  
“ power or authoritie to license the earles of Nor-  
“ thumberland and Westmerlande, or any other of  
“ her majestie’s subjectes, to rebel or to take armes  
“ against her majestie : and like hee saith of doc-  
“ tour Saunders : but he holdeth doctour Saun-  
“ ders, and all other that shall upon such warrant  
“ take armes against her majestie, to bee traytors  
“ and rebells.

“ To the fourth hee sayeth, that the pope neither  
“ hath, nor ought to have any authoritie, to dis-  
“ charge any of her majestie’s subjects, or the sub-  
“ jects of any other christian prince from their  
“ allegiance, for any cause whatsoever, and so he  
“ thinketh in his conscience.

“ To the fifth hee affirmeth in his conscience,  
“ that doctour Sanders, and doctour Bristowe in  
“ bookes here mentioned, and touching the poynt  
“ here specified, have taught, testified and main-  
“ teined an untrueth and a falsehode.

“ To the last he sayeth, that whatsoever the pope  
“ should doe, he would in this case take part with  
“ her majestie against the pope, what cause soever  
“ he would pretend, and this he taketh to be the  
“ duety of every good subject. And this to bee

“ his opinion in all the pointes above recited, he  
“ wil be ready to affirme upon his oth.

“ *James Bosgrave.*

“ John Popham.

“ Da. Lewes.

“ Thomas Egerton.

“ John Hammond.”

“ *Henry Orton's Answer.*

“ Henry Orton.—To the first he sayth, that he  
“ thinketh the bull of Pius quintus was at no time  
“ a lawfull sentence or of force, to binde any of her  
“ majestie's subjects, and that notwithstanding, her  
“ majestie was, and is to be obeyed by every of her  
“ subjects.

“ To the second, he thinketh that her majestie  
“ is to be holden for lawfull queene of this realme,  
“ and ought to be obeyed by all her subjects, not-  
“ withstanding any thing that y<sup>e</sup> pope eyther hath  
“ done, or can doe.

“ To the third, he thinketh the pope neither hath,  
“ nor had authoritie to warrant any of the persons  
“ here named, to doe as they have done, or any  
“ other of her subjects, to take armes against her  
“ majestie, and that those which have taken armes  
“ against her, upon that, or the like warrant, have  
“ done unlawfully.

“ To the fourth, he thinketh the pope hath no  
“ authoritie to discharge any subject from his alle-  
“ giance and obedience to his prince.

“ To the fifth, he thinketh that D. Saunders and  
“ D. Bristowe have in the poyntes mentioned in  
“ this article, taught and maintayned an untrueth  
“ and a falshood.

“ To the last, he sayth, that in the case here  
 “ supposed, he would take part with her majestie  
 “ against the pope, or any other invading the  
 “ reaulme by his authoritie.

“ *Henry Orton.*

“ John Popham.

“ Da. Lewes.

“ Thomas Egerton.

“ John Hammond.”

“ Imprinted, &c. as in the title page.”

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It should be observed that the works of Dr. Bristowe and Dr. Saunders, to which the questions refer, were strongly condemned by the catholics in general, on account of the extreme length, to which they carried the ultra-montane principles respecting the temporal power of the pope, and on account of their advocacy of the justice of the bull of Pius the fifth. Cardinal Allen, in his *Reply to Burreleigh's Execution of Justice*, (*ch. iv.*), mentions, that “ both those works had given general offence  
 “ to the catholics, who wished nothing had been  
 “ published on those lofty and delicate subjects ;  
 “ and that the whole had been left to the higher  
 “ powers, or rather to the judgment of God.” He says, that “ Bristowe had omitted the offensive  
 “ passages in the second edition of his work, and  
 “ that Saunders had suppressed a work, which he  
 “ had composed in defence of the bull.”

Mr. Hart's answer particularly justifies this observation. It shows, that, notwithstanding the bull of Pius the fifth, the condemned priests acknowledged Elizabeth, to be, in the actual state of things, their lawful queen, though they refused going the

length of declaring an opinion, upon oath, that there was not a possible case, in which a sovereign might not be lawfully deposed by the pope. “Her Majesty,” says John Hart, “is lawful queen, and ought to be obeyed, notwithstanding the bull supposed to be published by Pius the fifth. But, whether she ought to be obeyed, and taken for lawful queen, notwithstanding *any* bull or sentence the pope *can* give,—this,” he says, “he cannot answer.” Consonant with this answer of John Hart, are the dying declarations of all the priests who were executed. Though they refused to disclaim the pope’s deposing power, in the extent, expressed in the six questions, they explicitly acknowledged Elizabeth to be their true and lawful queen.

The reader will see, that Mr. Rishton, Mr. Orton, and Mr. Bosgrave, the two first secular priests,—the third a jesuit,—explicitly denied, in their answers, the pope’s deposing power. Accordingly, they were pardoned:—what afterwards became of them, the writer has unsuccessfully endeavoured to discover. In some letters of cardinal Allen, their conduct is mentioned; but neither blamed nor praised. The pardon of them seems to show that a general and explicit disclaimer, by the English catholics, in the reign of queen Elizabeth, of the pope’s deposing power, would have both lessened and abridged the term of their sufferings.

That the replies made by the priests to the six questions were unsatisfactory, is too clear. They are either refusals to answer, or evasive answers,



or such answers as expressed their belief of the deposing doctrine, or at least a hesitation of opinion respecting it.

We may add, that among the six questions there is not one which the catholics of the present times have not fully and unexceptionably answered, in the oaths which they have taken, in compliance with the acts of the 18th, 31st, and 33d years of the present reign.

The unsatisfactory tenor of the answers of the priests was lamented by several catholics. Among these, Mr. John Bishop, "an hearty papist," says Collyer\*, "particularly distinguished himself." "He wrote," says Collyer, "against these high fliers of the court of Rome; made it plainly appear that the canon of the council of Lateran, for absolving subjects from their allegiance, was plainly a forgery.—That this authority was nothing more than the doctrine of pope Innocent the third; And that, 'twas never received in England."—The *Important Considerations* and *Decachordon* of Mr. Watson,—which, in other respects, are very reprehensible, abundantly show this division of opinion; and that in the reign of Elizabeth several priests, and the bulk of the laity, would have answered the six questions with the same candour and integrity of principle, as all the present catholic clergymen and laity of England would now answer them, and have in effect answered them.

However unfortunate or provoking we may con-

\* Eccl. Hist. vol. ii. p. 574.

sider the answers of the seven priests, they did not convict them of disloyalty in the opinion of Elizabeth. “The queen herself,” says Camden, “generally disbelieved their guilt; and did not consent to the trial of Campion, and his companions, till she was brought by her ministers to think that the sacrifice of them was necessary to quiet the ferment, to which the report of her intended marriage with the duke of Anjou had given occasion.”

After all,—every reader of these pages must admit, that a steady adherence to principle, from conscientious motives, however erroneous, in the face of torments and death, is always entitled to respect. Now, to whom, more than to these venerable sufferers can this respect be due? Aware of the racks, the fires, the cauldrons, and the fatal rood, to which unsatisfactory answers to the questions then proposed would probably lead; still,—rather, than express an acquiescence in a doctrine, which,—let it be supposed erroneously, but certainly conscientiously,—they believed to be untrue, or rather believed to be doubtful, they risked death itself in its most hideous form. To whom can the noble description given by the pagan poet, of unshaken constancy under the severest trials—

—— Ambiguæ si quando vocabere testis,  
Incertæque rei,—Phalaris licet imperet, ut sis  
Falsus, et admoto dictet perjuria tauro;—  
Summum crede nefas, animam preferre pudori,  
Et propter vitam, vivendi perdere causas,

JUVENAL.

be more justly applied?

## XIX. 4.

*Fourth reason, alleged in defence of the sanguinary laws against the Catholics;—the establishment of the foreign Seminaries, and the Missionary Labours of their Priests.*

FROM the beginning of the reign of Elizabeth, until the 31st of his present Majesty, no school for the education of catholic youth, in catholic principles, could be conducted, without subjecting the master to the penalties inflicted by the statute of the second year of Elizabeth,—forfeiture of goods and chattels, with one year's imprisonment, for the first offence; the penalties of a præmunire, for the second; and death for the third. Even in the case of domestic education, the parent was liable to the same penalties. Seminaries, the object of which was to qualify persons for the sacred ministry in the catholic church, were still more obnoxious to the law. Thus, catholics were deprived of every means of education; and, in the course of a few years, the catholic priesthood must, under the operation of such laws, have been extinguished. In these circumstances, foreign education was the sole resource left to the catholics; to this consequently they had recourse. In 1568, cardinal Allen established a college at Douay, for the instruction of youth, and the education of priests for the English mission. In 1578, this establishment was removed to Rheims. In 1593, it returned again to Douay.—There, *felix prole virum*, it continued, till the general wreck of all that was good in the French

revolution. Another establishment on a similar plan, was founded at Rome in 1578. About the year 1579, it was placed under the direction of the Jesuits, but still continued a seminary for the education of secular priests. Similar establishments were formed at Lisbon and Valladolid ; and some time about the year 1598, father Parsons founded the college at St. Omer's.

The account given by Hume, (chap. 41), of these seminaries, is extremely imperfect and inaccurate. But something beyond imperfection and inaccuracy may be justly imputed to him, when he informs his reader, that "sedition, rebellion, sometimes assassination, were the expedients by which they intended to effect their purposes against the queen." To this atrocious charge, six unquestionable facts may be opposed.—In the first place, the circumstance which has been already mentioned,—that, of the two hundred catholics who suffered death for religion in the reign of Elizabeth, one only impugned her title to the throne,—next, that they all, to the moment of their deaths, persisted in denying every legal guilt, except the mere exercise of missionary function : thirdly, that their accusers were uniformly persons of bad lives, and of the lowest character : fourthly, that there is not an instance, in which the tortures inflicted on them produced from any one of them, either a confession of his own guilt, or a charge of guilt on others : fifthly, that the barbarous irregularity, with which their trials were conducted, has seldom been exceeded ; and sixthly, that even this irregularity



never furnished legal evidence of the commission of any legal guilt, except, as we have already noticed, the mere exercise of missionary function. It must be added, that even the exercise of missionary function was seldom proved on them by regular evidence.

Most bitterly did the pious and learned inmates of these seminaries,—(for pious and learned they certainly were),—bemoan their exile from their native land.

“Thou knowest, good Lord! says cardinal Allen, in his eloquent “*Apology, and true declaration of the Institution, and endeavours of the two English colleges, the one in Rome, the other now residing at Rheims, against certain sinister informations given up against the same;*”

“Thou knowest how often we have lamented together, that for our sins we should be constrained to spend either all, or most of our serviceable years, out of our natural country, to which they are most due; that our offices should be acceptable, and our lives and services agreeable to strangers, and not to our dearest at home. Thou knowest how earnestly we have desired thee to incline our prince’s heart to admit us into our country, into what state soever; and that we might, in poverty and penance never so extreme, serve the poor souls to their salvation; voiding our cogitations of all honours, commodities, preferences, that our forefathers and the realm yielded and gave to such functions; acquitting them, for our own parts, to the present possessors and incumbents, or to whomsoever God shall permit.

“Thou knowest, how justly we have bewailed our  
“heavy case, that so many strange nations having  
“their churches, with freedom to serve God after  
“their manner, in our country, only catholics,  
“ (who in our fathers days, had all, and for whom,  
“and by whom, all churches and christianity rose,)  
“can, by no intercession of foreign potentates, nor  
“no sighs, nor sorrows of innumerable most loyal  
“subjects, obtain one place in the whole land, to  
“serve their Lord God, after the rites of all good  
“christian princes, priests, and people of the world:  
“That no Jew, no Turk, no pagan, can, by the  
“law of God, nature, or nations, be forced from  
“the manner and persuasion of his own sect, and  
“service, to any other, which, by promise or pro-  
“fession, he or his progenitors never received;  
“only we,—that neither, in our own persons, nor  
“in our forefathers, ever gave consent to any other  
“faith or worship of God, but have, in precise  
“terms, by protestation and promise, bound our-  
“selves in baptism to the religion, faith and service  
“catholic alone,—are, against divine and human  
“laws, and against the protestants’ own doctrine,  
“in other nations, not only bereaved of our chris-  
“tian due in this behalf, but are forced by mani-  
“fold co-actions, to those rites which we never  
“knew, nor gave our assent unto.”

It is difficult to believe that the writer of these affecting lines had not an English heart.

In the same work, the cardinal does justice to his friend father Parsons, and to Parsons’s spiritual sons. “We protest,” he says, “that neither the

“reverend fathers of the society whom the people  
 “call Jesuits,—(*an express clause being in the*  
 “*instructions of their mission into England, that*  
 “*they deal not in matters of state, which is to be*  
 “*showed, signed with their late general’s hand of*  
 “*worthy memory,*)—neither the priests, either of  
 “the seminaries or others, have any commission,  
 “direction, instruction, or insinuation from his  
 “holiness, or any other their superior, either in  
 “religion, or of the like, to move sedition, or to  
 “deal against the state; but only by their priest-  
 “hood and the functions thereof, to do such duties  
 “as be requisite for christian mens’ souls, which  
 “consists of preaching, teaching, catechising, mi-  
 “nistering the sacraments, and the like.”

“Your highness’s noble father,” concludes the  
 “eloquent cardinal, “as of worthy and wise men  
 “we have heard, was fully determined to give  
 “over the title of supremacy, and unite both him-  
 “self and his realm to the see and church apostolic  
 “again; but being prevented by death, could not  
 “accomplish his most necessarie and honourable  
 “designement, and may therefore be both an ex-  
 “ample and a warning to your majestie, the last of  
 “all his dearest children, to accomplish that thing,  
 “which, to his great wisdom at the going out of  
 “this life, was thought so necessary for his soul,  
 “his people, and posterity, which diverse princes  
 “and provinces begin now to think upon more seri-  
 “ously than before. Incline your hart, for Christe’s  
 “love, gracious lady! to our humble suit made for  
 “your own soul; and be not offended with, for

“ your poore subjects, for moving your majestie in  
 “ so plaine terms, in God’s and the church’s cause.  
 “ Wherein, if our Lord of his secret judgment per-  
 “ mit us not to be heard, yet, in doing so dutiful  
 “ an endeavour, we cannot loose our labours, for  
 “ which wee must be always ready, (as God shall  
 “ please,) to loose our lives.

“ In the mean time, not repugning or resisting  
 “ any of your majestie’s or the realm’s temporal laws,  
 “ we trust no reasonable man can reprove us, if  
 “ we refuse to be obedient to the pretended laws  
 “ of religion, which we think in conscience, and  
 “ can prove to be, against the laws of God, and  
 “ not consonant to any just and truely called laws  
 “ of our country.”

## XIX. 5.

*Assertion that the Priests were executed, not for their Religion, but for their commission of acts of High Treason.*

A DEFENCE of the sanguinary laws of Elizabeth was made, by asserting that the priests who suffered under them, were convicted, not for their priestly character, or exercising their priestly functions, but for treason. This conveys an idea that the treason for which they suffered, was some act that was treasonable by the antient law of the land, or the statute of treasons—the 25th of Edward III.

This is a great mistake. It was not even pretended that the priests were convicted of any act that was treasonable by the antient law, on the-



statute of Edward : the only treasons for which they suffered were those which the statutes of Elizabeth had made treasonable—denying her spiritual supremacy—not quitting or returning to England—or exercising sacerdotal functions.

But, continue the advocates for the justice of these laws, it was competent to the state to make these acts treasonable ; and, having enacted that they should be treasonable, those, who did such acts, were legally guilty of treason ; and were punished, not for their religion, but for being traitors.

This was the ground on which, by a state-paper, published by lord Burleigh, these sanguinary laws, and the executions which took place under them, were principally defended. It was published in 1583, and is intitled, “ *The execution of justice for maintenance of public and christian peace against certain stirrers of sedition, and adherents to the traitors and enemies of this realm, without any persecution of them, as falsely reported and published by the traitors and fosterers of the treasons.*”

To this cardinal Allen replied, by, “ *A true, sincere, and modest defence of christian catholics, that suffered for their faith at home and abroad, against a false, seditious, and slanderous libel, intitled, ‘ The execution of justice in England ;’ wherein is declared how unjustly the protestants do charge the catholics with treason ; how untruly they deny their persecution for religion, and how deceitfully about the cause, greatness, and manner of their sufferings, with diverse other*

“ *matters pertaining to this purpose.* It was universally read and admired. The authors of the *Biographia Britannica* mention that, “ as much is said in it, for his cause, and as great learning shown in defending it, as it would admit.” The learned Edmund Bolton called it, “ a princely, grave, and flourishing piece of natural and exquisite English.” An elegant version of it into the Latin language is published in doctor Bridgewater’s *Concertatio*.

The whole of lord Burleigh’s work is founded on an argument, so brittle, that it falls into pieces the moment it is touched. It was not, says his lordship, for their catholic religion, or for their sacerdotal character, that the priests underwent the sentence of the law ; but for their remaining in or returning to England ;—acts, which the law had made high treason.

Now, unless their priests remained in or returned to England, the English catholics would have been without instruction, and without the sacraments or rites of their religion. To remain in England, or to return to it, was therefore an act of the religious duty of the catholic priesthood ; and for this act of religious duty the priests were executed.

In defence of the edicts against the huguenots, who assembled in bodies for the exercise of their religious worship, might not Louvois have urged, with equal justice, that the offenders were punished, not for their religious principles, but for their illegal practices ;—a previous law having made their assembling for religious worship a legal offence ?

In fact, if lord Burleigh's argument justified the executions of the catholic priests, in the reign of queen Elizabeth, there has seldom been a religious persecution, which a similar argument would not justify.

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## CHAP. XX.

### ALLEGED PLOTS OF THE CATHOLICS AGAINST QUEEN ELIZABETH.

A FURTHER defence of the sanguinary code of Elizabeth is made, by accusing the catholics of various plots against her person and government. The principal of these are ; I. The insurrection of the earls of Northumberland and Westmoreland: II. The treason, as it is usually termed, of Mr. Francis Throckmorton: III. Doctor Parry's project to assassinate the queen: IV. Somerville's plot: V. And Babington's conspiracy: VI. These we shall succinctly mention ; and then state the result, to which our consideration of them has led us.

It is evidently beside the object of these pages to enter into a particular detail of any of these unjustifiable attempts. The points to be settled, are, whether they can be charged, with justice, on the general body of the English catholics ; and, whether they furnish reasonable ground for believing that they proceeded from any principle of

the catholic religion, or from any opinion, generally entertained by persons of that communion.

Perhaps the following short statements may lead to a proper conclusion on each of these points.

## XX. 1.

*The Insurrection of the earls of Northumberland and Westmoreland.*

WITH respect to this insurrection;—it is admitted, that the earls were catholics;—that the restoration of the catholic religion was one of the avowed objects of their insurrection; and that they attempted to engage in it the general body of the catholics. In the words of Camden, the queen's historiographer, we shall state the result of these attempts, and, without adding a single reflection, commit the conclusion to the reader. "They sent letters," says Camden, "to the papists all round the kingdom, and advised them to come in to their assistance. But, so far were they from joining with them, that most of them sent the letters, which they had received, with the bearers of them, to the queen. Every one strove who should be foremost in the tender of his service, and the offer of his purse and person towards reducing the rebels."

## XX. 2.

*The Treason of Francis Throckmorton.*

THE real existence of what is termed, Throckmorton's treason, is very dubious. On the suspicion



of being engaged in a conspiracy, to place Mary the queen of Scots on the throne, he was taken into custody. Among his papers were found two lists, which, it was said, he had attempted to convey to the Spanish ambassador;—one, of the principal harbours in the kingdom, with an account of their situation, and of the depth of water in each; the other, of all the eminent roman-catholics. “At first,” says doctor Robertson\*, “Throckmorton boldly avowed his innocence, and declared that the two papers were forged by the queen’s ministers, in order to intimidate or ensnare him; and he even endured the rack with the utmost fortitude; but, being brought a second time to the place of torture, his resolution failed him, and he not only acknowledged that he held a secret correspondence with the queen of Scots, but discovered a design, that was formed to invade England. This confession he retracted at his trial, returned to it once more,” (probably in hopes of pardon), “after sentence was passed upon him; and retracted it once more at the place of execution.” “To us, in the present age,” continues doctor Robertson, “who are assisted in forming our opinions of the matter, by the light which time and history have brought upon the designs and character of the princes of Guise,” (the supposed instigators of Throckmorton’s attempts), “many circumstances in Throckmorton’s confession appear to be extremely remote from truth, and even

\* History of Scotland, book vii.

“from probability.” It is strange,” says Carte\*, “that the jury should find him guilty, upon such an extorted confession; part whereof,” continues the historian, “was certainly false.”

The general opinion of his innocence was great. To counteract its impression, government caused “*An Account of Francis Throckmorton’s Treason*,” to be published. “But, notwithstanding the vast art,” says Guthrie, “with which it was written, it will be very difficult for any gentleman of the law to discover, upon what evidence Throckmorton was convicted, if he takes from the queen’s council the advantage of his own confession, when on the rack.”

### XX. 3.

#### *Doctor Parry’s project of Assassination.*

DOCTOR PARRY’S trial is inserted in the first volume of Mr. Hargrave’s edition of *the State Trials*. A note to it states, that “Parry was but of low fortune, and very extravagant;” and that, “having committed a great outrage against Mr. Hugh Hare, of the Temple, with an intent to have murdered him at his chambers, he was tried for the same and convicted.”

For his supposed design upon the queen’s life, he was tried by a commission, at which lord Hunsdon, the governor of Berwick, presided. Parry pleaded guilty to the indictment. Some days before the

\* History, vol. iii. p. 586.

trial took place, he delivered a written confession of the crime, with which he was charged, and the circumstances with which, by his account, it was attended : this confession was read at his trial.

It appears by it, that Parry was a protestant, and employed by the ministers of the queen to discover the plots, said to be at this time carried on against her, in foreign parts ; and that his exertions had been repaid by rewards and promises. Afterwards, he professed himself a true convert to the catholic religion ; and was received into the catholic church. According to his representation, the accounts of the sufferings of the English catholics had greatly affected him, and determined him to put an end to them by assassinating the queen. With this view, he procured himself to be introduced to several persons of consideration. In his confession, he states, that his design was approved generally by Thomas Morgan, an active roman-catholic, then residing on the continent, and, more explicitly, by Neville, afterwards created lord Latimer, a relation of Cecil : and who took an active part in bringing Parry to trial : but that Watts, whom he terms “ a learned priest, plainly denounced it unlawful ; with “ whom,” he says, “ many English priests did “ agree ;” that other persons however, both eminent in rank, and distinguished by character, approved it. He declared that he had communicated his project to the pope, to cardinal Como, and to others. These, he said, commended the design, and encouraged it : but no proof of any kind, either of their approbation of the project of assassination, or even of

their being acquainted with it, was adduced by him; neither did he so much as refer to the slightest evidence of either. On the contrary, a letter to him, from cardinal Como,—the single document which he brought forward,—mentions only in general terms, “the good disposition and resolution “which he had towards the service, and benefit of “the public:”—an expression which the pope or cardinal would naturally use to any person, who appeared to commiserate the sufferings of the catholics, and professed a general intention to exert himself for their relief. It is also remarkable \*, that, when Parry was charged with cardinal Como’s letter by Mr. Topcliffe †, (a person employed in

\* Strype’s Memorials, Vol. iii. p. 250.

† We beg leave to present the reader with a letter written by this illustrious person.

In her royal progress through the counties of Norfolk and Suffolk, in 1578, queen Elizabeth was entertained by Edward Rookwood, Esq. a catholic gentleman, at his seat at Euston Hall, in Suffolk. He was a descendant of the antient family of the Rookwoods, of Coldham, in the same county, so respectably represented at this period by Mr. Robert Gage Rookwood. Mr. Edward Rookwood was remarkable for his loyalty. With other catholic gentlemen of his county, he signed a protestation of loyalty, and a declaration against the pope’s deposing power. Her majesty was received by him with great hospitality: We shall state the result, in Mr. Topcliffe’s own language, in the letter we have mentioned. It was written by him to George, earl of Shrewsbury, and is preserved among the Talbot papers in the college of arms; and inserted by Mr. Lodge in his *Illustration of British History*.

“The next good news, (but, in account, the highest) her “majesty hath served God with great zeal and comfortable



those days in discovering and prosecuting catholics), and Topcliffe asserted, that, “ therein he had  
 “ promised to destroy her majesty, and was, from

“ example; for by her counsaile two notorious papists, young  
 “ Rookwoode, (the master of Euston Hall, where her majesty  
 “ did lye upon Sunday now a fortnight), and one Downes, a  
 “ gentleman, were both commytted; the one, to the towne  
 “ preson at Norwyche, the other, to the countree preson there,  
 “ for obstynet papysterie: and vii more gent: of worship,  
 “ were commytted to several houses in Norwich, as presenors:  
 “ Two of the Lovells, another Downes, one Bedingfeld, one  
 “ Pary, and two others, not worth memory, for badness of  
 “ belyffe. This Rookwoode is a papist of kynde newly crept  
 “ out of his late wardship. Her majesty, by some means, I  
 “ know not, was lodged at his house, Euston, farre unmeet for  
 “ her hyghness, but better for the blacke-garde. (Neverthe-  
 “ less the gentleman brought into her mā: presence by lyke  
 “ device.) Her excellent mā: gave to Rookwoode ordinary  
 “ thanks for his badd house, and her fayre hand to kysse,  
 “ after which it was braved at. But my lord chamberlayn,  
 “ nobely and gravely, understandinge that Rookwoode was  
 “ excommunicated for papestrie, cawled him before him, de-  
 “ manded of him, how he durst presume to enter her real pre-  
 “ sence? He, unfit to accompany any chrystien person,—  
 “ forthwith, sayd, he was fitter for a payre of stocks; com-  
 “ manded him out of the coorte, and yet to attend her coun-  
 “ sell’s pleasure; and at Norwych he was commytted: and to  
 “ dissyfer the gent: to the full, a piece of plate being missed  
 “ in the coort, and searched for in his hay house; in the hay  
 “ ricke, such an immayge of our lady was there found, as  
 “ for greatness, for gayness, and workmanship, I did never  
 “ see a match. And, after a sort of countree dance, ended  
 “ in her majesty’s sight, the idol was set behind the people,  
 “ who avoyded. She rather seemed a beast raised upon a  
 “ sudden from hell, by conjewring, than the picture for  
 “ whom it had been so often, and long abused. Her majesty  
 “ commanded it to the fyer; which, in her sight, by the

“ the cardinal, as from the pope, animated thereto,” he exclaimed, “ Mr. Topcliffe, you clean mistake the matter ! I deny any such matters to be in the letter ; and I wish it might be truly examined and considered of.”

After reading the confession, the commissioners proceeded to pass sentence. Parry then pleaded, that “ his confession was extorted from him by dread of the torture.” He cried out in a furious manner, that “ he never meant to kill the queen,” and that “ he would lay his blood upon her and his judges before God and the world.” Even after sentence was passed on him, he summoned the queen to answer for his blood before God.

What then is the evidence of the plot ? Parry, on whose single testimony it rests, had been found guilty of an attempt to murder ; he was a spy ; and false to the party that employed him. He must

“ countree folks, was quickly done, to the content and unspeakable joy of every one ; but some one or two, who had sucked of the idol’s poysoned milk : shortly after, a great sort of good preachers, who hadde been long commanded to silence, for a little niceness, were lycenced, and again commanded to preach. A greater and more universal joy to the countree, and the most of the court, than the disgrace of the papists. And the gentlemen of those parts being great and noble, protests, (almost before by pollycye, dicredyted and disgraced), were greatly countenanced.”

This Edward Rookwood, being a popish recusant convict, compounded for his estates in a considerable sum of money ; and it is believed, died in the gaol of Bury St. Edmunds ; the following entry of burial appearing in the register of St. James’s parish there, “ Mr. Rookwood from the jayle, bur : June 14th 1598.”

have acted villainously, either when he made, or when he retracted, his confession. In support of it, no one collateral circumstance of proof was adduced.

Surely, at the tribunal of history, such evidence, particularly when it is brought to charge individuals of rank and character, and a numerous and honourable portion of a respectable community, should not be received.

His confession is composed with great art. The reader may compare it with the language which the celebrated Blood, when he was seized for an assault on the duke of Ormond, held at his interview with Charles the second ; and which saved his life. The same, perhaps, was the real aim of Parry's confession.

When there are a confession, and a subsequent retractation, each necessarily neutralizes the other, unless ulterior evidence is produced, which preserves to one its activity. In the present case, some argument in favour of the retractation may be thought to arise from the fear of the rack, under which the confession was given ; and from Parry's having often repeated his retractation, and finally adhered to it, while he stood on the brink of eternity.

## XX. 4.

### *Somerville's Plot.*

WITH respect to the plot of which Somerville was accused, both Camden and Echard, as they are cited by the reverend Mr. Potts, the able and

judicious author of "*the Enquiry into the moral and political tendency of the Catholic Religion*," insinuate, that it was the invention of lord Leicester, and that this was commonly believed. The French ambassador at the court of Elizabeth mentions, in one of his dispatches, the imprisonment of Somerville for a conspiracy against the queen, and the circumstance of his having procured a dispensation from the pope to murder Elizabeth. He treats it as a fiction, devised for the purpose of inflaming the prejudices of the people against the pope and the English papists. His letter is among the *Pieces Justificatives in mademoiselle Keralio's fifth volume of her Histoire d'Elizabeth Reine d'Angleterre*.

## XX. 5.

*Babington's Plot.*

THAT Babington, and about thirteen other catholic gentlemen conspired to rescue queen Mary, and to assassinate queen Elizabeth, as a measure necessary for the accomplishment of their design, every catholic admits. Every catholic also acknowledges that it was a crime of the blackest die. But, while the catholics acknowledge the crime of the guilty, and the justice of their punishment, they also insist, that the imputation of guilt should be confined to those, who were involved in it, and that nothing can be more unjust than to charge it on the community. *They* took no part in Babington's attempt; and their clergy were so far from



approving the treasonable attempt, that they addressed a letter to the general body, in which they dissuaded the catholics from disturbing the peace of the country, and employing force against the enemies of their religion.

On the trial of Mary, the unfortunate queen of Scots, strong suspicions were entertained that Babington's conspiracy, though not actually contrived, was artfully fomented and regulated by Cecil and Walsingham, with a view to involve Mary in its guilt, and thereby accomplish her ruin. The subsequent discussions of Mary's alleged criminality by Mr. Goodall, Mr. Tytler, Dr. Gilbert Stuart, Mr. Archdeacon Whitaker, and Mr. Chalmers, seem to render this highly probable; and the light in which an ingenious writer, Mr. d'Israeli, in his *Curiosities of Literature*, has lately placed the characters of Babington and his associates, adds to the probability of the hypothesis. The argument in support of Mary's innocence are most powerfully summed up by Dr. Milner, towards the end of the sixth *Letter to a Prebendary*, which we have so often cited.

Still,—great names,—Hume, Robertson, and Laing, must be ranked among the accusers of Mary; but, it must be admitted, that if some great names may be cited against her, some strong argument may be urged for her; that some circumstances raise a legitimate prejudice in her favour; and others, a legitimate prejudice against her persecuting relative. The subject ramifies into such a multiplicity of topics, that few possess both time and ability for a proper discussion of them. It is much to be

wished, that some gentleman, gifted with adequate leisure and talent, would favour the public with a literary history of the antient and modern controversy on this interesting subject; stating succinctly, its rise, progress, and variations, and the principal arguments by which each party supports its opinion.

## XX. 6.

*The Result.*

SUCH then, are the plots against queen Elizabeth, with which the catholics are charged. Even if all that is said of their supposed guilt were completely true, how very small a proportion of the body would it criminate? Would it be just to implicate the universal body of the catholics,—consisting, at that time, of two-thirds of the whole population of England,—in the crime of twenty or thirty at the utmost, of its members? Had the number been considerably greater, could it be a matter of just surprise? Would it be allowable to assign any other cause for it than the ordinary feelings and passions of human nature?

Warmly attached to their faith, which had twice rescued their country from paganism; and under which, during a long series of centuries their ancestors had enjoyed every spiritual and temporal blessing; they now beheld it proscribed, its tenets reviled, its sacred institutions abolished, its holy edifices levelled with the ground, its altars profaned, all, who professed it, groaning under the severest

infections of religious persecution ; imaginary plots incessantly imputed to them ; the subtlest artifices used to draw them into criminal attempts ; “ coun-  
“ terfeit letters\*, privately left in their houses ;  
“ spies sent up and down the country to notice their  
“ discourses, and lay hold of their words ; informers  
“ and reporters of idle stories against them coun-  
“ tenanced and credited ;” and even “ innocence  
“ itself,” (to use Camden’s own words), “ though  
“ accompanied by prudence, no guard to them.”  
They had constantly before their eyes the racks, the gibbets, the fires and the cauldrons, by which their priests had suffered, and they saw other gibbets, other racks, and other fires, preparing for them ; they saw the presumptive heir to the crown brought to the block, because she was of their religion, and because, as she was formally told by lord Buckhurst, “ the established religion was thought not to be  
“ secure whilst she was in being ;” they knew the universal indignation which this enormity had raised in every part of Europe against their remorseless persecutor ; that Pius the fifth, the supreme head of their church, had excommunicated her, had deposed her, had absolved them from their allegiance to her, and implicated them in her excommunication, if they continued true to her ; they knew that Sixtus, the reigning pope, had renewed the excommunication, had called on every catholic prince to execute the sentence, and that Philip the second, by far the most powerful monarch of the time, had

\* Carte’s History, vol. iii. p. 585.

undertaken it ; had lined the shores of the continent with troops, ready at a moment's notice, for the invasion of England, and had covered the sea with an armament, which was proclaimed to be invincible. In this awful moment, when England stood in need of all its strength, and the slightest diversion of any part of it might have proved fatal, the worth of a catholic's conscientious loyalty was fully shown. What catholic in England did not do his duty ? What catholic forgot his allegiance to the queen ? or was not eager to sacrifice his life and his whole fortune in her cause ? " Some," says Hume, " equipped ships at their own charge, and " gave the command of them to protestants ; others " were active in animating their tenants, and their " vassals, and neighbours, in defence of their country ; " some," (says the writer of *an intercepted letter printed in the second volume of the Harleian Miscellany*, p. 64), " by their letters to the council, signed with their own hand, offered, that they " would make adventures of their own lives in defence of the queen, whom they named their undoubted sovereign lady, and queen, against all " foreign foes, though they were sent from the pope, " or at his commandment ; yea, some did offer that " they would present their bodies in the foremost " ranks." Lord Montagu, a zealous catholic, and the only temporal peer who ventured to oppose the act for the queen's supremacy, in the first year of her reign, brought a band of horsemen to Tilbury, commanded by himself, his son, and his grandson : thus periling his whole house in the expected



conflict\*.—The annals of the world do not present a more glorious or a more affecting spectacle than the zeal shown on this memorable occasion, by the poor and persecuted, but loyal, but honourable catholics!—Nor should it be forgotten, that in this account of their loyalty, all historians are agreed.

Will not then the reader feel some indignation when he is informed, that this exemplary, may it not be called heroic conduct, procured no relaxation of the laws against the catholics? That through the whole remainder of the reign of Elizabeth, the laws against them continued to be executed with unabated, and even with increased rigour? That between the defeat of the Armada, and the death of Elizabeth, more than one hundred catholics were hanged and embowelled for the exercise of their religion; and that, when some catholics presented to the queen a most dutiful and loyal address, praying, in the most humble terms, a mitigation of the laws against them, no other attention was shown it, than that Mr. Shelley, by whom it was presented to the queen, for presuming, as it was said, to present an address to the queen, without the knowledge and consent of the lords of the council, was sent to the Marshalsea, and kept in it a close prisoner till his death?†

Surely, when he peruses this treatment of the catholics, the reader must feel some indignation. But, will not he himself justly excite something

\* Osborne's Secret History, ed. 1811, p. 22.

† Doctor Challoner's Memoirs of Missionary Priests, p. 169.

of a like indignation, if, after seeing the loyalty of the catholics thus so severely tried, and thus found so eminently pure, he returns to his former prejudices, and allows himself to entertain, even for a moment, a suspicion of their perfect loyalty to their sovereign, throughout the whole of her long, and on some account splendid, but certainly in respect to her catholic subjects,—(and we must repeat that they constituted two thirds of the nation),—her cruel and oppressive reign?

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## CHAP. XXI.

### PROTESTATION OF ALLEGIANCE, PRESENTED TO THE QUEEN BY THIRTEEN PRIESTS.

IN 1602, thirteen priests presented to the council of her majesty, a solemn protestation of allegiance, expressed in terms extremely well calculated to remove the prejudices entertained by the sovereign and the public against the general body of the catholics. We shall first, mention the circumstance which led to this measure; then, insert the protestation.

1. On the 5th November 1601, the queen issued a *singular proclamation*,—printed in *Rymer's Fœdera*. She notices in it, the dissensions between the secular and the regular clergy, and the combination, as she terms it, of some of the former with

the latter. She then intimates, that the seculars who preserved their integrity, were, in her consideration, less blamable than the regulars, or those who combined with them. She then orders all to depart the realm within a time expressed, “except  
“such, as before a member of the privy council, a  
“bishop, or the president of Wales, should acknowledge allegiance and duty to her;—with whom  
“she should then take such further order as  
“should be thought most fit and convenient.”

2. Availing themselves of this proclamation, some of the leading clergy came forward with the following admirable *protestation of allegiance*, dated the 31st of the following January.

“Whereas it hath pleased our dread sovereign  
“lady to take some notice of the faith and loyalty  
“of us, her natural-born subjects, secular priests,  
“ (as it appeareth in the late proclamation), and  
“ of her princelike clemency, to give a sufficient  
“ earnest of some merciful favour towards us,—  
“ (being all subject by the laws of the realm unto  
“ death, by our return into the country after our  
“ taking the order of priesthood, since the first  
“ year of her majesty’s reign),—and only to demand of us a true profession of our allegiance,  
“ thereby to be assured of our fidelity to her majesty’s person, crown, estate and dignity:—We,  
“ whose names are underwritten, in most humble  
“ wise, prostrate at her majesty’s feet, do acknowledge ourselves infinitely bound unto her majesty  
“ therefore, and are most willing to give such

“ assurance and satisfaction in this point, as any  
“ catholic priests can or ought to give unto their  
“ sovereign.

“ First, therefore, we acknowledge and confess  
“ the queen’s majesty to have as full authority,  
“ power, and sovereignty over us, and all the sub-  
“ jects of the realm, as any her highness’s prede-  
“ cessors ever had : and farther, we protest that  
“ we are most willing and ready to obey her in  
“ all cases, and respects, as far forth as ever chris-  
“ tian priests within this realm, or in any other  
“ christian country, were bound by the law of God  
“ and christian religion, to obey their temporal  
“ prince ; as to pay tribute, and all other regal  
“ duties unto her highness ; and to obey her laws,  
“ and magistrates in all civil causes, to pray to  
“ God for her prosperous and peaceful reign, in  
“ this life, according to his blessed will ; and that  
“ she may hereafter attain everlasting bliss in the  
“ life to come.

“ And this our acknowledgment we think to be  
“ grounded upon the word of God, that no autho-  
“ rity, no cause or pretence, can, or ought, upon  
“ any occasion, to be a sufficient warrant more unto  
“ us, than to any protestant, to disobey her majesty  
“ in any civil or temporal matter.

“ Secondly, whereas, for these many years past,  
“ divers conspiracies against her majesty’s person  
“ and estate, and sundry forcible attempts for in-  
“ vading and conquering her dominions, have been  
“ made, under we know not what pretences and  
“ intendments of restoring catholic religion by the



“ sword, (a course most strange in the world, and  
“ undertaken peculiarly and solely against her ma-  
“ jesty, and her kingdoms, among other kingdoms  
“ departed from the religion and obedience of the  
“ see apostolic no less than she),—by reason of  
“ which violent enterprizes, her majesty, other-  
“ wise of singular clemency towards her subjects,  
“ hath been greatly moved to ordain and execute  
“ severer laws against catholics, (which by reason  
“ of their union with the see apostolic in faith and  
“ religion, were easily supposed to favour these con-  
“ spiracies and invasions),—than perhaps had ever  
“ been enacted or thought upon, if such hostilities  
“ and wars had never been undertaken ;—we, to  
“ assure her majesty of our faithful loyalty also in  
“ this particular cause, do sincerely protest, and by  
“ this our public fact, make known to all the  
“ christian world, that, in these cases of conspira-  
“ cies, of practising her majesty’s death, of inva-  
“ sions, and of whatever forcible attempts which  
“ may hereafter be made by any foreign prelate,  
“ prince, or potentate whatsoever, either jointly or  
“ severally, for the disturbance or subversion of her  
“ majesty’s person, estate, realms or dominions,  
“ under colour, show, or pretence, or intendment  
“ of restoring the catholic religion in England or  
“ Ireland, we will defend her Majesty’s person,  
“ estate, realms, and dominions, from all such for-  
“ cible and violent assaults and injuries.

“ And, moreover, we will not only ourselves  
“ detect and reveal any conspiracies, or plots, which  
“ we shall understand to be undertaken by any

“ prelate, prince, or potentate, against her majesty’s  
“ person, or dominions, for any cause whatsoever,  
“ as is before expressed, and likewise to the best  
“ of our power resist them ; but also, will earnestly  
“ persuade, as much as in us lyeth, all catholics to  
“ do the same.

“ Thirdly, if, upon any excommunications  
“ denounced, or to be denounced, against her Ma-  
“ jesty, upon any such conspiracies, invasions, or  
“ forcible attempts, to be made, as before expressed,  
“ the pope should also excommunicate every one  
“ born within her majesty’s dominions, that would  
“ not forsake the foresaid defence of her majesty,  
“ and her realms, and take part with such conspira-  
“ tors or invaders ; in these, and all other such like  
“ cases, we do think ourselves, and all the lay-  
“ catholics, born within her majesty’s dominions,  
“ bound in conscience not to obey this or any such  
“ like censure ; but will defend our prince and  
“ country, accounting it our duty so to do ; and,  
“ notwithstanding any authority or excommuni-  
“ cation whatsoever, either denounced or to be  
“ denounced, as is before said, to yield unto her  
“ majesty all obedience in temporal causes.

“ And, because nothing is more certain, than  
“ that, whilst we endeavour to assure her majesty  
“ of our dutiful affection and allegiance, by this our  
“ christian and sincere protestation, there will not  
“ want such as will condemn and misconstrue our  
“ lawful fact ; yea, and by many sinister suggestions  
“ and calumnies discredit our doings with the  
“ christian world, but chiefly with the pope’s holi-

“ness, to the greatest prejudice and harm of our  
 “good names and persons that may be; unless ma-  
 “turely we prevent their endeavours therein : we  
 “most humbly beseech her majesty, that in this  
 “our recognizing and yielding *Cæsar’s* due unto  
 “her, we may also, by her gracious leave, be per-  
 “mitted, for avoiding obloquies and calumnies, to  
 “make known, by like public act, that, by yielding  
 “her right unto her, we depart from no bond of  
 “that christian duty, which we owe unto our su-  
 “preme spiritual pastor : and therefore, we ac-  
 “knowledge and confess the bishop of *Rome* to be  
 “the successor of St. Peter, in that see; and to have  
 “as ample, and no more, authority or jurisdiction  
 “over us and other christians, than had that  
 “apostle by the commission and gift of Christ our  
 “Saviour; and that we will obey him so far forth  
 “as we are bound by the laws of God to do, which  
 “we doubt not, but will stand well with the per-  
 “formance of our duty to our temporal prince, in  
 “such sort as we have before professed. For, as  
 “we are most ready to spend our blood in the de-  
 “fence of her majesty, and our country, so we will  
 “rather lose our lives than infringe the lawful  
 “authority of Christ’s catholic church.”

William Bishop,	Robert Drury,
John Colleton,	John Jackson,
John Mush,	Francis Barneby,
Robert Charnock,	Oswald Needham,
John Boseville,	Richard Button,
Anthony Hepburne,	Anthony Champney.
Roger Cadwallader,	

This protestation was signed by the thirteen priests. It was framed by Mr. William Bishop, whose name stands first on the list of signatures. He was afterwards consecrated bishop of Chalcedon; and the pope conferred upon him episcopal jurisdiction over the catholics of England and Scotland. Two of the other priests by whom it was signed, Roger Cadwallader, and Robert Drury, afterwards suffered death under the penal code of Elizabeth.

The subscribing clergymen had foreseen the misconstruction which would be put on their lawful act, and the sinister suggestions by which it would be attempted to be discredited. It was said to be "an officious obtrusion:" but Elizabeth had invited it by her proclamation. It was said "to convey a reproach of disloyalty upon all other priests and catholics:" but it does not contain a word, which either expresses or intimates such censure. It was asked, "where and when had catholic priests, or laymen, entered into the conspiracies mentioned in it to have been formed against her majesty's person; and what were the sundry forcible attempts, said in it to have been made for invading and conquering her dominions? What catholics had favoured these conspiracies and invasions?"—Northumberland, it was replied, and Westmoreland, and Babington, and his associates;—Those also, who, to use the language of the answer to the *Memoirs of Panzani*, p. 142—146, had deeper views than the general body of the missionaries:—who approved of the bull of Pius the fifth, and who thought the execution



of it by Philip the second,—(his Armada was certainly a very forcible attempt,)—would have been an act of eminent justice:—finally, those, who wrote to prove that the war against Elizabeth was just and necessary; and who sought to interrupt the lawful descent of the crown, by bringing in a catholic successor. Against these disloyal opinions, and unjustifiable practices, the document, signed by the thirteen priests, was a solemn, an accurate, and an explicit protestation. It was delivered to the lords in council, and satisfied both their lordships and the queen.

Much indeed, is it to be lamented, that it was not generally signed by all the catholic clergy and laity of England. But it was opposed by a powerful party: the divines of Louvaine were consulted, and expressed their disapprobation of it. So free, however, was it from any expression of doctrine, really objectionable, that its signature by Mr. Bishop, and his activity in procuring signatures, did not prevent the see of Rome from appointing him, as we have already mentioned, her vicar-apostolic, with ordinary jurisdiction over the catholics in England and Scotland.

It is also to be observed, that the censure passed by the divines of Louvaine on the protestation of the thirteen priests, is expressed in very gentle terms. They mention, that the point submitted to them wholly turned on the question, “whether the  
“ pope hath or hath not an indirect power in tem-  
“ porals?”—They assert, that “the affirmative of  
“ the proposition is certain; that the negative of

“ it is false ; but not contrary to faith ; and contrary only to the common opinion.” That, “ the thirteen priests had not, by signing the declaration of allegiance, rendered themselves ineligible to offices, or improper to hold them.” That “ the opinion expressed by them was tolerated in France ; that the pope had conferred ecclesiastical dignities on some who maintained it ;” and that “ several fathers of the society of Jesus, who had openly professed it, had been recognised by the other fathers of their order.”—The moderation of the censure showed the progress of reason.

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## CHAP. XXII.

## TWO BRIEFS OF CLEMENT THE EIGHTH.

THE letters of cardinal d'Ossat contain much curious information concerning these briefs. The importance of these letters is increased by the high character of the writer. He was one of those extraordinary personages who have united every voice in their praise. He is mentioned in terms of equal favour by Thuanus and Pallavicini, by Wicquefort in England, and the jesuit Galucci at Rome. From a situation so low, that his family was never known, he raised himself by his talents, and the undeviating wisdom and rectitude of his conduct, to be vice-

ambassador of Henry the fourth of France, to the see of Rome,—the centre, at that time, of the most important negociations. He possessed the entire confidence of his sovereign; and the pope, as an expression of his esteem for him, honoured him with the purple. “His penetration,” says l’Avocat, “was prodigious. He formed his resolutions with such discernment, that, in all the various concerns and negociations in which he was engaged, a single false step has not been discovered.”—It is difficult to avoid a digression, when it leads to the contemplation of a character at once so respectable and pleasing\*.

In a very long, and a singularly interesting letter, of the 26th of November, 1601, cardinal d’Ossat gives a full account of the curious project, that produced the two briefs which we are now called upon to mention. The cardinal analyzes the work written upon the succession to the crown of England, under the name of Doleman; which has been mentioned in a preceding page. The cardinal says it was written at the instigation of Spain, and circulated by the Spaniards over the Low Countries, and wherever else they thought it might find readers. Doleman, he says, reduces the legitimate pretenders to the crown of England,—1st. to the king of

\* The cardinal’s Letters were published at Paris, in 1698, in two volumes quarto, with notes, by Amelot de la Housaye. Those, from which the ensuing particulars are taken, will be found in the following parts of the collection: I. p. 222, 399; II. p. 303, 390, 501, 507, 509, 615, 617, 618, 619.

Spain, as representing the royal house of Portugal, in whom the lineal heirs of the house of Lancaster were found :—2dly, to the house of Scotland, represented by James the sixth ; and 3dly, to lady Arabella Stuart : both the last were descended from Margaret, the eldest daughter of Henry the seventh. Each has a place in the genealogy, contained in the 12th chapter of this work. Passing over James, on account of his religion, and because he was born in Scotland, and therefore an alien, the pretenders were reduced to the king of Spain, and to lady Arabella. To the Spanish line, the pope supposed the English would never submit. The lady Arabella consequently remained, and her, the duke of Parma should marry. Unfortunately, he happened to have a wife ; but cardinal Farnese, his brother, had none. He therefore was to be secularized ; and to him the lady Arabella was to give her hand. The king of Spain, probably with a very bad grace, was to submit to their union ; but, after some difficulty both foreigners and subjects would bend the knee, and acknowledge Farnese and Arabella as sovereigns of the two thrones of England and Scotland. Even the king of France was to find his account in it ; as a Bourbon could be alarmed at nothing so much as accession of strength to the house of Guise, to which James the first belonged, through his mother, the unfortunate queen. The talents of queen Elizabeth were not admired by Clement, so much as they had been by Sixtus quintus, his predecessor. Clement called her, “ An old woman without a husband, and without a certain successor.” He



said she must, at that time, be straitened for money, on account of the greatness of her former expenses: “Neither you or I,” said the pope to the cardinal, “are so old, but that we may yet behold her subdued; England has been conquered often, and may be conquered again.” For the present, however, his holiness thought it would be most prudent to wait the queen’s decease.

Under these impressions, “the pope,” says d’Ossat, “has sent to his nuncio in the Low Countries, three briefs, to be kept secret, until he should be informed of the death of queen Elizabeth: and then to be forwarded to England; one to the clergy, one to the nobility, and the other to the third estate. By these, the three states of England were exhorted to bind themselves to receive a catholic king, whom the pope should propose to them; and whom they would find agreeable, profitable, and honourable; and all for the glory and honour of God; for the restoration of the catholic religion, and the salvation of their souls.” The cardinal proceeds to mention to the king the reply which he made to the pope; and offers several suggestions on the futility of the project.

His letter contains other interesting circumstances, which show how well the cardinal was informed of every thing that related to the matters in agitation. He describes the persons most active in the business; and an individual residing at Calais, through whom their correspondence was carried on.

The answer of the king is dated the 24th of December 1601, and shows good sense, a true spirit of justice, and great magnanimity. He treats the project of the pope as a perfect chimæra. He observes, that it is founded upon the hopes held out by exiles, promising more than they could perform; feeble instruments, doubtful friends, and dangerous advisers. The party of lady Arabella, his majesty pronounces to be very weak.—“The king of Scotland,” he adds, “is the right heir. I desire, like his holiness, that the kingdom of England should fall to the lot of a catholic prince; nor am I ignorant of the reasons which should make me wish that the crown of England should be kept separate from that of Scotland; or of those, which should make me jealous of the connections which the king of Scotland has in this country. But it is an injustice to oppose what is just, and an imprudence to engage in an undertaking, so little likely to succeed, as that which is proposed by the pope.—This, my cousin, is what my confidence in you, and my openness, have induced me to write in answer to your letter.—You may make what use of it you please. But my opinion is, that as much as you can, you should keep the pope from opening himself to you respecting the English succession.”

The king tells the cardinal, in another part of his letter, “that the papal project would be attended with consequences quite contrary to those which the pope expected, and render the condition of the catholics more miserable than ever, by making

“ them take up arms in opposition to the laws of  
“ the kingdom, and to the lawful succession of the  
“ reigning monarch.”

Such was the project, which, in the following reign, subjected the pope and the catholics to so much censure. The fact was, that though a family estate was never transmitted from father to son with greater ease than the crown of England passed, on the death of Elizabeth, from the house of Tudor to the house of Stuart, a different scene had been generally apprehended. It had been expected that many competitors to the throne would arise; and particularly it had been supposed, that the party, which had been principally instrumental in bringing Mary to the scaffold, would not quietly permit her son to ascend the throne. Those, it was thought, looked towards Arabella; and, being a catholic, her claims, it was imagined, would naturally be favoured by that party. These, as we have already observed, constituted, at the time of which we are speaking, the most numerous portion of the subjects of the realm. They considered themselves therefore entitled to a vote at the election, and the pope, seconding their views, claimed all their votes and interest for Arabella.

It appears that there were two briefs only;—one, directed to the arch-priest and clergy; the other, to the nobility and gentry of England. On the trial of father Garnet, which we shall afterwards have occasion to mention, sir Edward Coke represented them, as enjoining the catholics “ not to  
“ admit any person, how near soever upon the line

“ to the throne, after the queen’s death, unless such  
 “ person would not only tolerate the catholic reli-  
 “ gion, but promote it to the utmost of his power ;  
 “ and engage himself by oath, according to the  
 “ custom of his ancestors, for that purpose.” That  
 these were the contents of the briefs, father Garnet  
 did not deny. He admitted that they were trans-  
 mitted to him, but he alleged, in his defence that  
 he kept them secret, showed them to very few,—  
 and soon after the accession of James, committed  
 them to the flames\*. He also alleged, that both  
 the pope and the superiors of his order earnestly  
 recommended to the catholics to bear their suffer-  
 ings with patience, and to abstain from violence  
 of every kind. This is confirmed by the letters  
 both of father Garnet and of father Parsons, pro-  
 duced by father Andreas Eudæmon, in his defence  
 of Garnet.

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## CHAP. XXIII.

### JAMES I.

HIS DISPOSITIONS TOWARDS THE ENGLISH CA-  
 THOLICS AT THE TIME OF HIS ACCESSION TO  
 THE THRONE.

1603.

ON the 14th March 1603, queen Elizabeth  
 died.

\* The writer has not discovered them in any Bullarium.



That the disposition of James the first, when he ascended the throne of England, was favourable to the roman-catholics, was certainly, at that time, universally believed. His mother, the unfortunate queen of Scots, and George Darnley, his father, were catholics, and James was baptised by a catholic priest. He was known to be fond of the solemnity of the religious service of the catholics. Their hierarchy, the general habits of obedience of the people to their pastors, and of the inferior to the superior clergy, accorded with his notions of subordination, and seemed to him, as they certainly are, excellently calculated to dispose the public to general order and regularity. On the other hand, he was disgusted with the total absence of gradation of rank in the presbyterian ministry, with their gloomy devotions, and their levelling doctrines. Their frequent disturbances of the government, and the personal insults which they had offered both to his mother and to himself, increased this disgust. He could not but recollect that the general body of the catholics had been steadily attached to his mother under all her afflictions, while the presbyterians had been their principal cause. When, therefore, he acceded to the English throne, it was generally expected that some degree of favour would be shown to the catholics. They hoped for a repeal of the sanguinary part of the laws enacted against them, and that the exercise of their religious worship, under certain gentle restraints, would be allowed them.

These just and rational hopes were strengthened

by declarations in their favour, which the monarch had made to several individuals. It was even said, that Mr. secretary Cecil, in a conversation with some catholics of distinction, had assured them that the king would not frustrate their expectations. It may be added, that from every part of his conduct, the king appears to have had much more liberal notions of religious toleration than the generality of his contemporaries.

But, soon after he ascended the throne, some circumstances took place which induced the catholics to believe, there was no reason to expect from him any mitigation of the penal laws under which they suffered. He published, almost immediately, a proclamation, in which, after adverting to the disputes between the established church and the dissenters ; and intimating his hopes of a speedy and satisfactory settlement of these, he announced, that  
“ a greater contagion to the national religion than  
“ could proceed from those light differences, was  
“ imminent, by persons, common enemies to them  
“ both ;—namely, the great number of priests, both  
“ seminarists and jesuits, abounding in the realm ;—  
“ partly upon a vain confidence of some innovation  
“ in matter of religion, to be done by him, which  
“ he never intended, nor gave any man cause to  
“ expect.” He therefore commanded all manner of jesuits, seminarists, and other priests whatsoever, to depart from the realm, and never to return, upon pain of being left to the penalty of the law without hope of favour or remission.

His proclamation was speedily followed by a statute (1 Ja. c. 4.), which enacted, that the laws of queen Elizabeth against jesuits and seminary priests should be put into execution. Two third parts of the real estates of every offender were directed to be seized for recusancy, and all who had been, or were educated in seminaries, were rendered incapable of taking landed property by descent.

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## CHAP. XXIV.

### THE GUNPOWDER CONSPIRACY.

IT is now our painful duty to relate an event, which subjected the English roman-catholics to more than a century of persecution, and général odium. I. We shall mention the principal circumstances of it : II. Then inquire, whether it was justly chargeable on the catholics, or justly imputable to their moral, or religious, principles.

#### XXIV. 1.

##### *Principal circumstances of the Gunpowder Conspiracy.*

WE shall transcribe,—but with some omissions, where we particularly distrust the accuracy of the narrative,—the account given of it by Hume.

“ The roman-catholics,” says Hume, “ had expected great favour and indulgence, on the accession of James. Very soon, they discovered their mistake ; and were at once surprised, and enraged, to find James, on all occasions, express his intention of strictly executing the laws enacted against them ; and of persevering in all the rigorous measures of Elizabeth. Catesby, a gentleman of good parts, and of an ancient family, first thought of a most extraordinary method of revenge ; and he opened his intention to Percy, a descendant of the illustrious house of Northumberland. In one of these conversations, with regard to the distressed condition of the catholics, Percy, having broken into a sally of passion, and mentioned assassinating the king, Catesby took the opportunity of revealing to him a nobler and more extensive plan of treason, which not only included a sure execution of vengeance, but afforded some hopes of restoring the catholic religion in England\*. In vain, said he, would you put an end to the king’s life ; he has children, who would succeed, both to his crown, and

\* It is needless to inform the intelligent reader, that this is not a speech really made by Catesby to Percy, but a speech put by Hume into Catesby’s mouth, after the manner of ancient historians.—The ascription of set speeches to persons, by whom they were not made, is the subject of some excellent remarks of the late Mr. Whitaker, in his observations on the third improvement of Historical Narrative, and his comparison of the speech actually spoken by the emperor Claudius, with that put into his mouth by Tacitus.—*Review of Gibbon’s History*, p. 3—13.



“ to his maxims of government ; in vain, would  
“ you extinguish the whole royal family. The  
“ nobility, the gentry, the parliament, are all in-  
“ fected with the same heresy ; and could raise to the  
“ throne, another prince, and another family, who,  
“ besides their hatred to our religion, would be  
“ animated with revenge for the tragical death of  
“ their predecessors. To serve any good purpose,  
“ we must destroy at one blow the king, the royal  
“ family, the lords, the commons ; and bury all our  
“ enemies in one common ruin. Happily, they  
“ are all assembled, on the first meeting of the par-  
“ liament ; and afford us the opportunity of glori-  
“ ous, and useful, vengeance. Great preparations  
“ will not be requisite. A few of us, combining,  
“ may run a mine below the hall, in which they  
“ meet, and choosing the very moment when the  
“ king harangues both houses, consign over to de-  
“ struction, these determined foes to all piety, and  
“ religion. Meanwhile, we ourselves, standing  
“ aloof, safe, and unsuspected, shall triumph in  
“ being the instruments of divine wrath ; and shall  
“ behold, with pleasure, those sacrilegious walls, in  
“ which were passed the edicts for proscribing our  
“ church, and butchering her children, tost into a  
“ thousand fragments ; while their impious inhabi-  
“ tants meditating, perhaps, still new persecutions  
“ against us, pass from flames above to flames be-  
“ low ; there for ever to endure the torments, due  
“ to their offences.”

“ Percy was charmed with this project of Catesby ;  
“ and they agreed to communicate the matter to a

“ few more, and among the rest to Thomas Winter,  
“ whom they sent over to Flanders in quest of  
“ Fawkes, an officer in the Spanish service, with  
“ whose zeal, and courage, they were all thoroughly  
“ acquainted.”

“ All this passed in the spring, and summer, of  
“ the year 1604; when the conspirators also hired  
“ a house in Percy’s name, adjoining to that, in  
“ which the parliament was to assemble. Towards  
“ the end of that year, they began their operations.  
“ That they might be less interrupted; and give  
“ less suspicion to the neighbourhood, they carried  
“ in a store of provisions with them; and never  
“ desisted from their labour. Obstinate in their  
“ purpose; and confirmed by passion, by principle,  
“ and by mutual exhortation, they little feared  
“ death, in comparison of a disappointment; and  
“ having provided arms, together with the instru-  
“ ments of their labour, they resolved there to  
“ perish, in case of discovery. Their perseverance  
“ advanced the work; and they soon pierced the  
“ wall, though three yards in thickness; but, on  
“ approaching the other side, they were somewhat  
“ startled at hearing a noise, which they knew not  
“ how to account for. Upon inquiry, they found,  
“ that it came from the vault below the house of  
“ lords; that a magazine of coals had been kept  
“ there; and that, as the coals were selling off, the  
“ vault would be let to the highest bidder. The  
“ opportunity was immediately seized; the place  
“ hired by Percy; thirty-six barrels of powder  
“ lodged in it; the whole covered up with fagots

“ and billets ; the doors of the cellar boldly flung  
“ open ; and every body admitted as if it contained  
“ nothing dangerous.”

“ Confident of success, they now began to look  
“ forward ; and to plan the remaining part of their  
“ project. The king, the queen, Prince Henry,  
“ were all expected to be present at the opening of  
“ parliament. The duke, by reason of his tender  
“ age, would be absent ; and it was resolved that  
“ Percy should seize him, or assassinate him. The  
“ princess Elizabeth, a child likewise, was kept at  
“ lord Harrington’s house in Warwickshire ; and  
“ sir Everard Digby, Rookwood, and Grant, being  
“ let into the conspiracy, engaged to assemble their  
“ friends on pretence of a hunting match ; and  
“ seizing that princess, immediately to proclaim her  
“ queen. So transported were they with rage  
“ against their adversaries ; and so charmed with  
“ the prospect of revenge, that they forgot all care  
“ of their own safety ; and trusting to the general  
“ confusion, which must result from so unexpected  
“ a blow, they foresaw not that the fury of the  
“ people, now unrestrained by any authority, must  
“ have turned against them ; and would probably  
“ have satiated itself by an universal massacre of  
“ the catholics.”

“ The day, so long wished for, now approached,  
“ on which the parliament was appointed to assemble.  
“ The dreadful secret, though communicated to  
“ above twenty persons, had been religiously kept,  
“ during the space of near a year and a half. No  
“ remorse, no pity, no fear of punishment, no hope

“ of reward, had, as yet, induced any one conspirator, either to abandon the enterprise, or make a discovery of it. The holy fury had extinguished in their breast every other motive ; and it was an indiscretion at last, proceeding chiefly from these very bigoted prejudices and partialities, which saved the nation.”

“ Ten days before the meeting of parliament, lord Monteagle, a catholic, son to lord Morley, received the following letter, which had been delivered to his servant by an unknown hand :—

*“ My Lord, out of the love, I bear to some of your friends, I have a care of your preservation. Therefore, I would advise you, as you tender your life, to devise some excuse to shift off your attendance at this Parliament. For, God, and man, have concurred to punish the wickedness of this time. And think not slightly of this advertisement ; but retire yourself into your country, where you may expect the event in safety. For though there be no appearance of any stir, yet, I say, they will receive a terrible blow, this parliament, and yet they shall not see who hurts them. This council is not to be contemned ; because it may do you good, and can do you no harm. For, the danger is passed, as soon as you have burned the letter. And I hope, God will give you the grace to make good use of it, unto whose holy protection I commend you.”*

“ Monteagle knew not, what to make of this letter ; and, though inclined to think it a foolish



“ attempt to frighten, and ridicule him, he judged  
“ it safest to carry it to Cecil, who had been created  
“ earl of Salisbury, and made secretary of state.  
“ Though Salisbury, too, was inclined to pay little  
“ attention to it, he thought proper to lay it before  
“ the king, who came to town, a few days after.  
“ To the king, it appeared not so light a matter ;  
“ and, from the serious earnest style of the letter,  
“ he conjectured, that it implied something dan-  
“ gerous and imporant. *A terrible blow*, and yet  
“ *the authors concealed* ; a danger so *sudden*, and  
“ yet so *great* ; these circumstances seemed all to  
“ denote some contrivance by gunpowder ; and it  
“ was thought advisable to inspect all the vaults  
“ below the houses of parliament. This care be-  
“ longed to the earl of Suffolk, lord-chamberlain ;  
“ who purposely delayed the search, till the day  
“ before the meeting of parliament. He remarked  
“ those great piles of wood and fagots, which lay  
“ in the vault, under the upper house ; and he cast  
“ his eye upon Fawkes who stood in a dark corner ;  
“ and passed himself for Percy’s servant. That  
“ daring and determined courage, which so much  
“ distinguished this conspirator, even among those  
“ heroes in villany, was fully painted in his coun-  
“ tenance ; and was not passed unnoticed by the  
“ chamberlain. Such a quantity also of fuel, for the  
“ use of one, who lived so little in town as Percy,  
“ appeared a little extraordinary ; and, upon com-  
“ paring all circumstances, it was resolved, that a  
“ more thorough inspection should be made. About  
“ midnight, sir Thomas Knevet, a justice of peace,

“ was sent, with proper attendants ; and before the  
“ door of the vault, finding Fawkes, who had just  
“ finished all his preparations, he immediately seized  
“ him ; and turning over the fagots, discovered the  
“ powder. The matches, and every thing proper  
“ for the setting fire to the train, were taken in  
“ Fawkes’s pocket ; who finding his guilt now ap-  
“ parent ; and seeing no refuge, but in boldness  
“ and despair, expressed the utmost regret that he  
“ had lost the opportunity of firing the powder at  
“ once, and of sweetening his own death by that of  
“ his enemies. Before the council, he displayed the  
“ same intrepid firmness, mixed even with scorn  
“ and disdain ; refusing to discover his accomplices,  
“ and showing no concern, but for the failure of the  
“ enterprize. This obstinacy lasted two or three  
“ days. But, being confined to the Tower, left to  
“ reflect on his guilt and danger, and the rack being  
“ just shown to him ; his courage, fatigued with  
“ so long an effort, and unsupported by hope, or  
“ society, at last failed him ; and he made a full  
“ discovery of all the conspirators.”

“ Catesby, Percy, and the other criminals, who  
“ were in London, though they had heard of the  
“ alarm, taken at the letter sent to Monteagle ;  
“ though they had heard of the chamberlain’s  
“ search, yet, were resolved to persist to the utmost ;  
“ and never abandon their hopes of success. But,  
“ at last, hearing that Fawkes was arrested, they  
“ hurried down to Warwickshire ; where sir Eve-  
“ rard Digby, thinking himself assured that success  
“ had attended his confederates, was already in

“ arms, in order to seize the princess Elizabeth.  
“ She had escaped into Coventry ; and they were  
“ obliged to put themselves on their defence against  
“ the country, who were raised from all quarters,  
“ and armed by the sheriff. The conspirators,  
“ with all their attendants, never exceeded the  
“ number of eighty persons; and, being surrounded  
“ on every side, could no longer entertain hopes  
“ either of prevailing, or escaping. Having there-  
“ fore, confessed themselves ; and received absolu-  
“ tion, they boldly prepared for death, and resolved  
“ to sell their lives, as dear as possible to the assail-  
“ ants. But, even this miserable consolation was  
“ denied them. Some of their powder took fire ;  
“ and disabled them for defence. The people  
“ rushed in upon them. Percy and Catesby were  
“ killed by one shot. Digby, Rookwood, Winter,  
“ and others, being taken prisoners, were tried,  
“ confessed their guilt ; and died, as well as Gar-  
“ net, by the hands of the executioner.”

“ The lords, Mordaunt and Stourton, two catho-  
“ lics, were fined, the former 10,000 *l.*, the latter,  
“ 4,000 *l.* by the star-chamber, because their absence  
“ from Parliament had begotten a suspicion of their  
“ being acquainted with the conspiracy. The earl  
“ of Northumberland was fined 30,000 *l.* ; and de-  
“ tained, several years, prisoner in the Tower ; be-  
“ cause, not to mention other grounds of suspicion,  
“ he had admitted Percy into the number of gen-  
“ tlemen pensioners, without his taking the requisite  
“ oaths.”

“ The king, in his speech to the parliament, ob-

“ served, that, though religion had engaged the  
“ conspirators into so criminal an attempt, yet,  
“ ought we not to involve all the roman-catholics  
“ in the same guilt, or suppose them equally dis-  
“ posed to commit such enormous barbarities.  
“ Many holy men, he said, and our ancestors,  
“ among the rest, had been seduced to concur with  
“ that church, in her scholastic doctrines ; who yet,  
“ had never admitted her seditious principles, con-  
“ cerning the pope’s power of dethroning kings ;  
“ or sanctifying assassination. The wrath of heaven  
“ is denounced against crimes ; but innocent error  
“ may obtain its favour ; and nothing can be more  
“ hateful, than the uncharitableness of the puritans,  
“ who condemn alike to eternal torments, even the  
“ most inoffensive partizans of popery. For his  
“ part,” he added, “ that the conspiracy, however  
“ atrocious, should never alter, in the least, his  
“ plan of government ; while with one hand he  
“ punished guilt ; with the other, he would still  
“ support and protect innocence.” After this  
speech, he prorogued the parliament till the 22d  
of January.

An account of the trial of father Garnet was published by government, with the title of, “ *A true  
“ and perfect relation of the whole proceedings  
“ against the late most barbarous traitors, Garnet,  
“ a jesuit, and his confederates; containing sundry  
“ speeches, delivered by the lords commissioners  
“ at their arraignments, for the better satisfaction  
“ of those that were hearers, as occasion was  
“ offered. The earl of Northampton’s speech*



“ *having been enlarged, upon those grounds which*  
 “ *are set down, and lastly, all that passed at*  
 “ *Garnet’s execution. Imprinted at London, by*  
 “ *Robert Barker, printer to the king’s most excel-*  
 “ *lent majestie, 1606.*” An answer to this book  
 was published, with the title, “ *Andreæ Eudæmon,*  
 “ *Johannis Cydonii, e soc. Jesu, Apologia pro*  
 “ *H. Garnet. Col. Agrip. 1610, 8vo.*” To this  
 work, a reply was published, under the title of  
 “ *Antilogia, adversus Apologiam Eudæmon Jo-*  
 “ *annis pro Garneto, 1613.*” We insert, in a  
 note, an interesting account of the trial, and ex-  
 ecution, of father Garnet, from the late *Doctor*  
*Challoner’s Memoirs of Missionary Priests, 2 vols.*  
*8vo. vol. ii. p. 476\**. Two other jesuits were appre-

\* “ In the year 1603, queen Elizabeth being called out  
 “ of this world, king James the first succeeded in the king-  
 “ dom. This prince had given great hopes, and even pro-  
 “ mises to the catholics before his coming to the crown,  
 “ that he would put a stop to their sufferings, and grant them  
 “ some toleration at least of their religion: but they quickly  
 “ found he was not disposed to make good these promises;  
 “ and that, instead of repealing or qualifying any of the penal  
 “ statutes of queen Elizabeth, he gave way to new laws and  
 “ additional severities, enacted against all professors of the  
 “ antient religion. The generality of the catholics of the  
 “ nation, though much disappointed in their hopes, sub-  
 “ mitted their shoulders to this new cross after so many  
 “ others they had endured, and disposed themselves to bear  
 “ it with christian patience. But some few there were, (and  
 “ indeed very few, for I can find but thirteen or fourteen in  
 “ all, including such as were any ways conscious) men un-  
 “ worthy of the name of catholics, who, being exasperated  
 “ by their disappointment, were by degrees entangled by  
 “ the artifices of Satan, and a Machiavelian politician, his

hended, and imprisoned, for their supposed concern in the plot.—Father Gerard, and father Oldeorne. The former was never brought to trial ;—a strong

“ instrument, (designing thereby the ruin of the catholic religion in England,) in a most detestable conspiracy to blow up the parliament house ; which design was to have been executed at the first meeting of the parliament, on the 5th of November 1605 ; but was discovered by a letter sent ten days before to the lord Monteagle, a catholic peer, and by him communicated to the king and council.

“ As to the religion of the conspirators, if they had any, they are generally supposed to have been catholics : though the author of *The Protestant's Plea*, published in 1621, p. 56, says, ‘ they were a few wicked and desperately-minded men, whom many protestants termed papists ; although the true priests and catholics of England knew them not to be such ; nor can any protestant’, says he, ‘ truly say that any one of them was such a one, as their laws and proceedings against us name papists, popish recusants, or the like.’ And p. 58, he adds, ‘ All these were young, except Percy,—and if any of them were catholics, or so died, they were *known protestants* not long before, and never frequenters of catholic sacraments with any priest, as I could learn.’ So far this author.

“ Catesby, the chief of the conspirators, whether of his own accord, or at the instigation of a certain minister of state (supposed to have had a great hand in the contrivance of this plot, and to have been particularly solicitous to draw the jesuits into some share in the odium of it) laid open the design in confession to father Greenway, or Greenwell, alias Tesmond, a jesuit. The confessor represented to him the wickedness of the project, but could not prevail upon him to desist : however, Catesby consented that father Greenway should communicate the case under the seal of confession to father Garnet ; and if the matter should otherwise come to light, he gave leave that both the one and the other might then make use of the knowledge, which he thus

argument in favour of his innocence : The latter, was five several times, racked in the prison ; and once, with the utmost severity, for several hours :

“ imparted to them, and not else. Father Garnet was struck  
“ with horror at the proposal, and, as he could not discover  
“ it, laboured at least to divert the design ; and he so far  
“ prevailed, that Catesby promised he would attempt nothing  
“ without the knowledge and consent of the holy see, which  
“ father Garnet knew he would never obtain : but the wretch  
“ still went on in his design, till the plot was discovered ; and  
“ then taking arms with Percy and the two Wrights, attended  
“ with some servants and a few others, being pursued by the  
“ high-sheriff of Warwickshire, he took shelter in the house  
“ of Mr. Humphry Littleton near Stourbridge, and being  
“ there attacked by the high-sheriff of Worcestershire, he was  
“ there slain with the other three in the conflict ; the rest of  
“ the conspirators were taken, and were all executed, except-  
“ ing Mr. Tresham, who died in the Tower.

“ Amongst those who were engaged in this plot was one  
“ Bates, a servant of Catesby : this man, in hopes of saving  
“ his own life, insinuated (probably at the instigation of a  
“ certain great man) that the jesuits, and in particular father  
“ Greenway and father Garnet, had some knowledge of the  
“ conspiracy ; of which unjust insinuation he afterwards re-  
“ pented himself. Upon this a proclamation was issued out,  
“ (two months after the discovery of the plot) for the appre-  
“ hending of those two fathers, together with father Gerard,  
“ of whom also they had conceived some suspicion. Green-  
“ way and Gerard fled beyond the seas ; father Garnet, who  
“ was then with father Oldcorne at Henlip, the seat of Mr.  
“ Abington in Worcestershire, was soon after betrayed by  
“ Mr. Littleton, who being then a prisoner for having har-  
“ boured some of the conspirators, in hopes of saving his own  
“ life, discovered where the father was hid. Upon which,  
“ after many days search, both father Garnet and father Old-  
“ corne were apprehended, with their servants, John Owen  
“ and Ralph Ashley, and were carried to Worcester, and from

but, neither by his own confession, nor by any other evidence, was the slightest knowledge of the conspiracy proved against him. His only legal guilt

“ thence by an order of the council sent for up to London,  
“ and there committed first to the Gatehouse, and then to  
“ the Tower.

“ Father Garnet was examined no less than twenty-three  
“ different times, so intent some people were to bring him in,  
“ if possible, guilty of some share in the plot: yet with all  
“ these examinations no sufficient matter could be disco-  
“ vered to condemn him, nor any witnesses could be found to  
“ appear against him. At length Cecil earl of Salisbury, who  
“ knew more of the whole affair perhaps than any man living,  
“ contrived to lodge father Oldcorne in a chamber adjoining  
“ to father Garnet, where they might through a chink con-  
“ verse together, and be overheard by two men, whom he  
“ had placed in ambuscade for that purpose. This stratagem  
“ succeeded according to his wish. Father Garnet was pri-  
“ vately informed by his keeper (under pretence of kindness)  
“ that father Oldcorne might be spoke with, through that  
“ chink; and he gladly embraced that opportunity of making  
“ his confession, and conversing with his friend, little sus-  
“ pecting the snare that was laid for him: upon this occasion,  
“ being asked by father Oldcorne whether he was still exa-  
“ mined about the plot? he answered, they have no proof  
“ that I ever had any knowledge at all of the matter; and  
“ there is but one man upon earth (meaning father Greenway)  
“ who can prove that I had. These words were heard by the  
“ two spies, and were immediately carried to the council.  
“ Upon this father Garnet was again examined, and put upon  
“ the rack; where, when the whole story was related to him,  
“ and what he had been heard to say, he acknowledged he  
“ had been told of the plot by father Greenway, but it was  
“ under the inviolable seal of confession; and that he had  
“ both recommended to father Greenway, and had used him-  
“ self his best endeavours to divert the design. Upon this  
“ his confession, as they called it, sir Edward Coke the attor-  
“ ney-general was ordered to draw up an indictment of high-



was, that, after the plot, and before the proclamation for the discovery of the conspirators, he had received father Garnet into his house, and did not

“ treason against him; and he was brought to his trial at  
“ Guildhall, March the 28th, before the king's delegates;  
“ his majesty himself and many of the nobility being present.  
“ His enemies, to disgrace him, had published many falsehoods of him; and amongst the rest, that having been kept  
“ watching for six whole days and nights (a new kind of torment!) he had lost his senses: but this and other calumnies  
“ were dissipated by his public appearance and comportment  
“ at his trial. The attorney-general held forth for several  
“ hours in his accusation, bringing in all the odious topics  
“ he could against the jesuits in general, to prejudice the  
“ jury against the prisoner, and laying to their charge all  
“ the plots and conspiracies of queen Elizabeth's reign, but  
“ in particular charging home upon father Garnet the guilt  
“ of the late conspiracy. The father made a regular and  
“ excellent defence, both of his own innocence and of his  
“ society, with that presence of mind, and that graceful  
“ modesty, that many of the auditors who came thither violently prepossessed against him, were now convinced of  
“ his innocence, his very countenance, which was particularly  
“ venerable, pleading strongly in his behalf: however, the  
“ protestant jury, either not believing his plea that he had no  
“ knowledge of the plot but by confession, or rather not regarding that inviolable secrecy which the catholic church  
“ enjoins to confessors, brought in their verdict guilty; and  
“ he received sentence of death in the usual form as in cases  
“ of high treason.

“ He remained prisoner in the Tower after sentence for  
“ for about five weeks, and then was ordered for execution  
“ on the 3d of May 1606. He was drawn on a sledge from  
“ the Tower to St. Paul's church-yard, where a scaffold and  
“ gibbet was erected for the purpose, and an innumerable  
“ multitude of people was assembled. As he was drawn  
“ through the streets, his hands and eyes were lifted up

afterwards disclose the circumstance to government. He was found guilty ; executed, and, while alive, cut down, and embowelled. It is very remarkable,

“ toward heaven, where his heart was fixed. After he was  
 “ taken off the sledge, and had recovered himself of the dizziness caused by the jogging of that incommodious vehicle,  
 “ he ascended the scaffold, and saluted the crowd with a smiling countenance. It was observed that the mob, which  
 “ had uttered many reviling speeches against him, calling him  
 “ by a thousand opprobrious names before he came to the place, was now struck dumb at his venerable aspect, which  
 “ both spoke his innocence and commanded reverence. Some  
 “ of the ministers that were there offered to persuade him to conform in matters of religion, (as, among other calumnies,  
 “ it had been given out that he would) but he declared he  
 “ would die in the catholic faith, out of which there was no  
 “ salvation.

“ It being the day of the *Invention*, or *Finding of the Cross*,  
 “ father Garnet took occasion from thence to speak to the  
 “ people concerning this cross which he was to take up that  
 “ day; declaring withal his innocence as to the conspiracy,  
 “ and his having no knowledge of it but by confession ; that  
 “ as to his part, he had always detested such treasonable  
 “ practices, and that he knew them to be contrary to the  
 “ sentiments of the bishop of Rome ; and he begg'd of all  
 “ catholics never to think of any such attempts, which were  
 “ entirely inconsistent with their religion, to fly the conversation of uneasy and turbulent spirits, and to possess their  
 “ souls in patience. Here sir Henry Montague the recorder  
 “ of London told him he was certainly privy to the design,  
 “ out of confession. ‘ Mr. Catesby,’ said he, ‘ told you of  
 “ it in private, we have it under your hand.’ ‘ Whatever is  
 “ under my hand,’ said father Garnet, ‘ I will not deny ; but  
 “ ‘ indeed you have not this under my hand. Mr. Catesby  
 “ ‘ only acquainted me in general terms that something  
 “ ‘ might be done, or was doing for the benefit of the  
 “ ‘ catholic cause, without specifying what it was ; and this

that the demeanor of father Garnet, on his trial, and at his execution, interested the spectators greatly in his favour. After he had been hanged,

“ ‘ is all I had from him, as I hope for salvation.’ ‘ Then,’  
 “ said the recorder, ‘ do you ask the king’s pardon for con-  
 “ ‘ cealing the treason?’ ‘ I do,’ said father Garnet, ‘ thus  
 “ ‘ far, and no more, in that I did not reveal the suspicions  
 “ ‘ I had of Mr. Catesby’s behaviour; tho’ at the same time  
 “ ‘ I dissuaded him from all treasonable attempts. And I  
 “ ‘ do solemnly assure you, had that wicked stratagem suc-  
 “ ‘ ceeded, I should always have detested both the fact, and  
 “ ‘ the persons engaged in it.’

“ After this he was brought to the foot of the ladder, where  
 “ the recorder attack’d him again upon the score of Mr.  
 “ Catesby, pretending that they had it under his hand, that he  
 “ had discoursed with him in particular, concerning the gun-  
 “ powder design, which father Garnet denying, a gentleman  
 “ there pretended to call for the paper; but it could not be  
 “ found; at which the father smiling, said, *I believe it never*  
 “ *will be found.* Then being stripp’d to his shirt, he kneeled  
 “ down and prayed a while in silence at the foot of the ladder;  
 “ then going up some steps, he prayed aloud for the king, the  
 “ queen, the prince, and all the council, and begg’d the bless-  
 “ ing of God for all the spectators, that God might make  
 “ them all roman-catholics, as the only way to secure their  
 “ eternal welfare; declaring that for his own part he died  
 “ a catholic, and desired all such to pray for him, and with  
 “ him. Then making the sign of the cross, he said, *Adoramus*  
 “ *te, Christe, &c. We adore thee, O Christ, and we bless thee;*  
 “ *because by thy cross thou hast redeemed the world. This sign*  
 “ *of the cross shall be seen in heaven, when the Lord shall come*  
 “ *to judgment. Allelujah.* Then saluting the blessed virgin  
 “ with a short hymn, crossing his hands before his breast;  
 “ and recommending his departing soul into the hands of his  
 “ Creator, he was flung off the ladder. The executioner  
 “ three several times attempted to cut the rope before he  
 “ was dead, that he might be butchered alive, according to

and while he was yet alive, the executioner advanced, three times, to cut the cord ; and was as often restrained by the cry of the multitude. His servant Owen was so cruelly racked in prison, that he died soon after he was taken off the torture.— A general defence of Garnet, and the other priests implicated by the public voice in this unhappy business, is given by Dr. Milner, with his usual ability, in his seventh letter to a prebendary.

## XXIV. 2.

*Inquiry whether the Gunpowder Plot can justly be charged on the general body of the Catholics.*

THAT much of Hume's relation of this horrid conspiracy is true, may be admitted. The question is, whether the guilt of it can be justly charged on the body of the English catholics.

Now, the smallness of the number of those, who were engaged in it, and the disapprobation expressed of it by the general body, seem to decide the question. No writer has calculated the number of catholics to have amounted, at this time, to less than one half,—and probably it greatly exceeded that proportion,—of the whole population

“ sentence. But the people as often cried out *hold, hold,*  
 “ *hold* : so much were they moved by his behaviour, to  
 “ judge more favourably of him than they had done, and to  
 “ compassionate his case. And when his head was shown by  
 “ the executioner, instead of huzzas, usual on the like occasions,  
 “ the people went off in silence.”



of England \*. Many catholics,—perhaps not much fewer than 30,—were, at this time, in the peerage ;—and catholics sat, and voted in the house

\* Having desired a young gentleman, who favours him with his friendship, and who is particularly qualified for the task, to investigate this fact, the writer received from him the following paper :

“ A List of the PEERS summoned to Parliament † in the  
“ third year of King James, showing such of them as  
“ were reputed to be CATHOLICS.

“ Thomas lord Ellesmere, chancellor of England.

*qy.* “ Thomas earl of Dorset, high treasurer.

“ William marquis of Winchester - - catholic.

*qy.* “ Charles earl of Nottingham, high admiral,  
and steward of the household.

*qy.* “ Thomas earl of Suffolk, chamberlain of  
the household.

“ Thomas earl of Arundel - - - catholic.

“ Henry earl of Northumberland - - catholic.

“ Gilbert earl of Shrewsbury - - - catholic.

“ Henry earl of Kent.

*qy.* “ William earl of Derby.

“ Edward earl of Worcester - - - catholic.

“ Roger earl of Rutland.

*qy.* “ Francis earl of Cumberland.

“ Robert earl of Sussex.

“ William earl of Bath.

“ Henry Earl of Southampton.

“ Edward earl of Bedford.

“ William earl of Pembroke.

“ Edward earl of Hertford.

“ Henry earl of Lincoln.

“ Charles earl of Devonshire.

“ Henry earl of Northampton - - - catholic.

† Dugdale's Summonses.

of lords. Sixteen persons only are accused in the bill of attainder, and of these, nine at the utmost,

- " Robert earl of Salisbury.
- " Thomas earl of Exeter.
- " Philip earl of Montgomery.
- " Anthony viscount Montagu - - - catholic.
- gy. " Thomas viscount Bindon.
- " Robert viscount l'Isle.
- " Edward lord Abergavenny - - - catholic.
- gy. " George lord Audley.
- " Edward lord Zouche.
- " Robert lord Willoughby de Eresby.
- " Thomas lord de la Warre.
- " Henry lord Berkeley.
- " Edward lord Morley - - - catholic.
- " Edward lord Stafford - - - catholic.
- " Thomas lord Scrope of Bolton.
- " Edward lord Dudley.
- " John lord Lumley - - - catholic.
- " Edward lord Stourton - - - catholic.
- " Henry lord Herbert - - - catholic.
- gy. " John lord Darcie and Meinill.
- " William lord Monteagle - - - catholic.
- " William lord Sandys of the Vyne.
- " Henry lord Mordaunt - - - catholic.
- " Edward lord Cromwell.
- gy. " Ralph lord Euers.
- " Philip lord Wharton.
- " Robert lord Rich.
- " William lord Willoughby of Parham.
- " Edmund lord Sheffield.
- " William lord Paget - - - catholic.
- " Thomas lord Darcie of Chicke - - - catholic.
- gy. " William lord Howard of Effingham.
- " Dudley lord North.
- " William lord Chandos.
- " John lord Hunsdon.

were informed of the design to blow up the buildings by gunpowder. The others knew something

- “ Oliver lord St. John of Bletsoe.
- “ William lord Compton.
- “ Francis lord Norris of Rycot.
- qy.* “ William lord Knollys.
- “ Edward lord Wotton.
- “ Henry lord Grey of Groby - - - catholic.
- “ John lord Petre - - - catholic.
- “ John lord Harrington.
- “ Henry lord Danvers.
- “ Thomas lord Gerrard.
- qy.* “ Robert Lord Spencer.
- “ Richard lord Say and Sele.
- “ Edward lord Denny.
- “ John lord Stanhope.
- “ John lord Carew.
- “ Thomas lord Arundell of Wardour - catholic.
- qy.* “ William lord Cavendish.

“ *Observations :*

“ The five Howards, peers, are,—Charles earl of Nottingham, Thomas earl of Suffolk, Thomas earl of Arundell, Thomas viscount Bindon, and William lord Howard of Effingham ;—of these, Thomas earl of Arundell was certainly a catholic until the year 1614 : he probably was never any thing else than a catholic. It is probable, the earl of Nottingham was a catholic, as well as some of the other Howards.

“ It is believed that the treasurer Dorset was catholic ; many of the Sackvilles were ; and most of his daughters intermarried with acknowledged catholic families.

“ The several peers to whose names the writer has affixed a *qy.* are all, in his opinion, doubtful ; most probably catholics, particularly lord *Audley*, and lord *Euers*.

“ Gilbert earl of Shrewsbury is called *catholic* by the writer ; it is *doubtful* what he was.”

of the general views of the conspirators; but the worst part was certainly concealed from them. James himself, who appears to have formed juster notions of the nature and extent of the conspiracy, than his contemporaries, acquitted, as we have seen, the general body of the catholics from it. In one of his publications, he treats it with great contempt. He calls it “a *tragedy* to the traitors; “but, *tragicomedy* to the king, and to all his new “subjects\*.”

It is also observable, that, of the nine persons, who are supposed to have been privy to the gunpowder part of the plot, the greater part had long outwardly conformed to the protestant religion; and were considered, by the catholics themselves, to have renounced their communion. Lord Montague was the first person, out of this band, to whom any intelligence of the plot was conveyed; his lordship was a zealous catholic; and we have seen that, in the instant it reached him, he carried the information of it to the secretary of state. The persons, most instrumental in detecting the conspirators were, Cecil earl of Salisbury, the secretary of state, the earl of Suffolk, the earl of Worcester, and the earl of Northampton. The two last were catholics.—In the examinations and trial of father Garnet, the earl of Northampton took a very active part. With one exception, all the conspirators acknowledged their guilt; and expressed their repentance of it.—Fawkes, at first, justified

\* King James's Works; Discourse of the Powder Treason, p. 223.



it; but afterwards, acknowledged its criminality; declared his repentance of it, and exhorted all catholics never to engage in any such bloody enterprise, “it being a method never allowed, nor “prospered, of God.” Sir Everard Digby, almost the only gentleman of character who was implicated in the conspiracy, but who had no knowledge of the worst part of the infernal design, confessed, on his trial, that “he had been generally informed “of there being something of consequence in hand, “to promote the catholic cause:” But solemnly asserted, that “the particulars of it were not mentioned to him.” Still, he admitted, that “he “was criminal, in not revealing to government the “general communications, which had been made “to him; and, therefore, pleaded guilty to the “indictment.”—On the scaffold, he made the same protestation; and solemnly declared, that “if “he had known it, at first, to be so foul a crime, “he would not have concealed it to gain a world.” As soon as the particulars of the plot became generally known, the catholics universally expressed their horror of it. Blackwell, their archpriest, and the other heads of their church, immediately circulated a pastoral letter, in which they called it, “detestable, and damnable;” and assured the catholics, “that the pope had always condemned “such unlawful practices.” The pope’s condemnation of it is also noticed, in Eudæmon’s defence of Garnet; he cites several letters, showing the anxiety of Garnet and other jesuits to allay the resentment of the catholics at the king’s unexpected

severities, and to withhold them from turbulence of any kind. Soon after the archpriest and the leading clergy had published their letter, the former received a brief from the pope to the same effect: on the receipt of it, he, with the leading clergy, published a second letter, in the same spirit as the preceding.

It is not within the plan of this work to enter into a discussion of the nature, or degree of the guilt of the individuals, who were engaged in the horrid plot.—Hume's *History of England* being in the hands of every one, the writer has transcribed from it, the greater part of his account of the conspiracy: but those, who wish to form accurate notions of it, should, after having read this part of Hume's history, peruse the trials of the accused persons; the *Apology of father Eudæmon for father Garnet*; *Dodd's Church History*, part 5, art. 3, and *Doctor Milner's seventh Letter to a Prebendary*.—It may be added, that even several intelligent protestant writers give a very different view of it, from that presented by Hume; some of them even suppose, that it originated with Cecil. Osborne has been frequently cited, as calling the plot, in his *Historical Memoirs of James the first*, “a neat device of the secretary:” the author of the *Political Grammar* is cited for mentioning that “Cecil engaged some papists in this desperate plot, in order to divert the king from making any advances towards popery; to which he seemed inclinable:” James is said to have called the 5th of November, “Cecil's Holiday;” And Bevil Higgons assures

his readers, that “ the design was first hammered  
 “ in the forge of Cecil : who intended to have pro-  
 “ duced it, in the time of Elizabeth ; that, by his  
 “ secret emissaries he enticed some hot-headed men,  
 “ who, ignorant, whence the design first came,  
 “ heartily engaged in it\*.”

Whatever were the circumstances of the plot, the consequence of it was, that the penal laws against the catholics were immediately carried into execution, with great severity. Eighteen priests, and seven laymen, suffered death, for the mere exercise of their religion. One hundred and twenty-eight priests were banished ; and the heavy fine of 20*l.* a month, was exacted from every catholic, who did not attend the service of the established church.

\* Loose expressions of this nature, altogether unsupported by fact, deserve no attention ; particularly as, on examining the citation from Osborne with the passage, in which the words attributed to him are found, it appears that these were used by him, not as applying to the plot, but as applying to the letter, which was sent to lord Monteagle ;—which letter, he terms “ a neat device of the secretary, to fetch him in, to whose “ estate and person, if not to both, he had a quarrell. See Osborne’s *Secret Memoirs in Ballantyne’s Collection*, vol. I. p. 180. It should also be observed, that not one, who suffered, threw out the slightest intimation of Cecil’s being privy to the conspiracy. It is, however, probable that he knew of it before the seizure of Fawkes. Father Juvénci, *Hist. Societatis Jesu*, L. xiii. s. 45, expressly says that “ Tresham, “ one of the conspirators, sent to lord Monteagle, his friend, “ the letter, revealing the conspiracy.”

## CHAP. XXV.

## THE OATH OF ALLEGIANCE FRAMED BY JAMES I.

THE temperate terms, which James used, in his address to the two houses of parliament, upon the discovery of the gunpowder conspiracy, deserve the commendation bestowed upon them by Hume. With the same conciliating spirit, his majesty caused to be inserted, in a statute of the same year, an oath of allegiance, to be tendered, under the provisions contained in that act, to all roman-catholic recusants. By a proclamation, issued at the same time, he also invited all his English subjects to take and subscribe it.

The circumstances attending this oath form one of the most interesting events in the history of the English catholics, subsequent to the Reformation. We shall endeavour to present the reader, I. With a brief account of the motives, which induced James to frame the oath, and to direct it to be tendered to his catholic subjects; II. We shall, next, transcribe the oath itself; III. Then, a translation of the two briefs, by which pope Paul the fifth condemned it; IV. And copy some parts of James's reply to them; V. We shall give an account of the controversy, to which the oath gave rise; VI. And of the letters, written by Mr. Blackwell, the arch-priest, respecting the oath, and of his examination



before his majesty's commissioners ; VII. We shall mention the controversy, which took place, on the subject of the oath, during the reign of his majesty, and the reign of his immediate successor.

## XXV. 1.

*The motives of James the first in framing the Oath.*

NOTHING, in the opinion of the writer, could be wiser, or more humane, than the motives of James, in framing the oath. We shall 1st state them, in his own words ; 2d. Then examine an allegation, which assigns different motives, if not to the monarch himself, at least to his advisers.

1st. " What a monstrous, rare, and never heard of \* treacherous attempt," (with these words he

\* The observation of father Parsons, in his *letter touching the new oath of allegiance*, sect. i, v. (considerable extracts from which, we shall soon present to the reader),—on these epithets, deserve attention. " All those epithets for due de-  
 " testation of so rash and heynous an attempt, catholics no  
 " lesse than protestants doe willingly admit ; tho, *for singu-*  
 " *larity from all example*, (if we respect *speciem*, non *indivi-*  
 " *dum*, that cannot be alike to another in all points), there  
 " be recounted in histories, many attempts of the same kynds,  
 " and some also by *protestants*, in our dayes : as that of  
 " them, who, at Antwerp, placed a whole barke of powder  
 " in the great street of that city, where the prince of Parma,  
 " with his nobility was to passe ;—and that of him in Hague,  
 " that would have blown up the whole counsil of Hollande,  
 " upon private revenge ; and also that of Edinborrow in  
 " Scotland ; where the like traine of powder was laid, for  
 " the cruel murder of his majesty's father ; which not suc-  
 " ceeding, his death was atchieved, by another, no lesse  
 " bloodie and barbarous violence."

begins his apology for the oath of allegiance,)—was  
“ plotted, within these few years, in England, for  
“ the destruction of me, my bedfellow, and our posterity—of the whole house of parliament, and a  
“ great number of good subjects of all sorts, and degrees,—is so famous already through the world,  
“ by the infamy thereof, as is needless to be repeated, or published, any more. The only reason the plotters gave, for so heinous an attempt,  
“ was the zeal, they carried to the romish religion ;  
“ yet, were never any of that profession worse used for that cause, as by our gracious proclamation,  
“ immediately after the discovery of the said fact, doth appear. Only, at the setting down again  
“ of the parliament, there were laws made, setting down some such orders, as were thought fitt for  
“ preventing the mischiefs, in time to come. Amongst which, a form of oath was formed to be taken by  
“ my subjects, whereby they should make a clear profession of their resolution, faithfully to persist  
“ in their obedience unto me, according to their natural allegiance. To the end, that I might  
“ make a separation, not only between all my good subjects in general, and unfaithful traitors, that  
“ intended to withdraw themselves from my obedience ;—but, especially, to make a separation between so many of my subjects, who, though they  
“ were otherwise popishly affected, yet retained, in their hearts, the print of their natural duty to their sovereign. And those, who, being carried  
“ away with the like fanatical zeal, as the powder-traitors were, could not contain themselves within

“ bounds of their natural allegiance, but thought  
“ diversity of religion, a safe pretext for all kinds of  
“ treasons, and rebellions, against their sovereign.  
“ Which godly, and wise intent, God did bless  
“ accordingly ; for very many of my subjects, that  
“ were popishly affected, as well priests, as laics,  
“ did freely take the same oath ; whereby they both  
“ gave me occasion to think the better of their fide-  
“ lity, and thereby freed themselves of that heavy  
“ slander, that, although they were fellow professors,  
“ of one religion of the powder-traitors, yet were  
“ they not joined with them in treasonable courses  
“ against their sovereign ; whereby all quietly-  
“ minded papists were put out of despair, and I  
“ gave a good proof, that I intended no persecution  
“ against them, for conscience, or cause ; but only  
“ desired to be secured of them, for civil obedience,  
“ which, for conscience cause, they were bound to  
“ perform.”

In several other parts of his writings on the oath, the king expresses the same sentiments. He declares, that, “ he never did, nor would, presume to  
“ make an article of faith :”—that, “ the oath was  
“ ordained only for making a true distinction be-  
“ tween papists of quiet disposition, and, in all other  
“ things, good subjects ; and such other papists, as,  
“ in their hearts, maintained the like bloody maxims,  
“ that the powder-traitors did ;”—that “ it was  
“ his care, that the oath should contain nothing,  
“ but matter of civil and temporal obedience, due  
“ by subjects to their sovereign power.” As a proof  
of this care, he mentions the following remarkable

fact ;—“ The lower house of parliament,” to use his own words,—“ at the first framing of the oath, “ made it to contain, that the pope had no power “ to excommunicate me ; which I caused them to “ reform,—only making it to conclude, that no “ excommunication of the pope, could warrant my “ subjects to practice against my person and state ; “ denying the deposition of kings to be in the pope’s “ lawful power ; as, indeed, I take any such temporal violence to be far without the limits of such “ a spiritual censure, as excommunication is. So “ careful was I, that nothing should be contained “ in this oath, except the profession of natural allegiance, and civil and temporal obedience, with a “ promise to resist to all contrary civil violence.” A more exact description of the different natures of spiritual, and temporal, power cannot be produced.

2. On perusing these, and many other passages of the same spirit, which are to be found in the writings of the royal author, it seems impossible to contend, that the monarch’s views were not both kind, and salutary. Other views are, however, attributed to his advisers. It is said, that “ the “ wording of the oath was drawn up, in such ambiguous terms, that a tender conscience,—(the “ best disposed towards paying civil allegiance),— “ could not digest it ;”—that “ the wording of it “ was chiefly committed to archbishop Bancroft, “ who, with the assistance of Christopher Perkins, “ a renegado jesuit, so calculated the whole to the “ designs of the ministry, that they met with their



“ desired effect ; which was, first, to divide the  
 “ catholics about the lawfulness of the oath ; se-  
 “ condly, to expose them to daily persecutions, in  
 “ case of refusal ; and in consequence of this, to  
 “ misrepresent them, as disaffected persons, and of  
 “ unsound principles, in regard of government.”  
 Such is the statement given of this circumstance,  
 by Dodd \*.

On this subject, Dodd’s authority is certainly  
 entitled to great respect ; and his statement receives  
 some confirmation from a passage in the *Athenæ  
 Oxonienses* †, where, on the authority of a manu-  
 script *review of the court of king James, by Good-  
 man, bishop of Gloucester*, Mr. Wood mentions,  
 that “ sir Christopher Perkins,”—(for the jesuit  
 had been created a knight),—“ had a hand in con-  
 “ triving, and drawing up, the oath of allegiance,  
 “ while he was intimate with doctor Bancroft ‡.” It  
 “ receives a further confirmation, from a passage in  
 “ cardinal Bentivoglio’s *Relationi delle Provincie* ||,  
 in which, as he is translated in the *Answer to the  
 Memoirs of Panzani* §, his eminence,—alluding to  
 the oath of allegiance,—says, that, “ in contriving  
 “ this new machine against the catholic religion, the  
 “ authors had principally two things in view. One

\* Church History, vol. ii. part v. art. iv.

† Vol. i. p. 22.

‡ That Bancroft was concerned in framing the oath, and  
 intended it should occasion a disunion among the catholics,  
 is confirmed by a passage in *Osborne’s Secret History of the  
 Court of James I.* (*Ballantyne’s edition.* p. 61.)

|| P. 215.

§ P. 159.

“ was, to furnish the king an opportunity of proceeding with an increase of rigour against the persons and property of catholics ; it being easily foreseen, that many of them would refuse the oath, in which heretical terms were used to deny all authority of the roman pontiffs, under whatsoever interpretation and form, in temporal affairs of princes.—The other, was to give new occasion to the discontents among the catholic clergy ; it being held for certain, that several of them, either through dread of punishment or tepidity in religion, would be induced to swallow an oath ; and to advise others to follow their example.”—

(In a future page, we shall transcribe a further part of this passage.) It is probable, that some at least of his majesty’s ministers were not so favourably disposed towards the catholics, as their royal master.—But, that James’s own views, in their regard, were most benign, the writer has not discovered any just reason to doubt.

In support of the allegation respecting the sinister views of the framers of the oath, intentional obscurity and objectional language were imputed to some of its clauses ; and the words “ impious,” “ heretical,” and “ damnable,” used in describing the deposing doctrine, were severely condemned\*.

The great objection to it, however, was its absolute denial of the pope’s deposing power. “ This,” says the Rev. Roger Widdrington, the learned and

\* See *Ecclesiastical Democracy Detected*, by the Rev. John Milner, 1793, 8vo.

able benedictine advocate of the oath\*, “was the  
 “rock of scandal, the stone of offence, on which  
 “the bulk of the learned and the unlearned of those  
 “times, generally stumbled.”—Even the illustrious  
 Bellarmine, for that epithet is justly due to his  
 virtues, his learning, and his talents†, maintains,  
 that “the assertion,—that the pope, as pope, and  
 “by divine right, has no temporal power, and can-  
 “not, in any manner, command secular persons,  
 “or deprive them of their kingdoms and sovereignty,  
 “though they deserve to be deprived of them,—is  
 “not so much an opinion as a heresy.” This was  
 the burthen of many a page, which the cardinal and  
 his collaborators published, in support of the briefs,  
 which, as will be seen immediately, Paul the fifth  
 issued against the oath. This, therefore, to repeat  
 Widdrington’s words, was, *the petra scandali, the*  
*lapis offensionis*. Had the parties agreed on this  
 point, there would have been no final disagreement  
 between them‡.—In a future page, the complete re-

\* Disputatio Theologica de Juramento Fidelitatis, oh. iii.  
 § 1.

† De Romano Pontifice, lib. iii. c. 1.

‡ On the denial itself of the pope’s deposing power, not  
 on the language, in which that denial was expressed, father  
 Juvençi (*Historia Soc. Jesu, lib. xiii. § 4*) grounds his ob-  
 jection to the oath: “Singulos in certa verba jurare jussit,  
 “quibus eam summo pontifici auctoritatem abrogabat, quam  
 “inesse illi confitentur quicunque ipsum Christi vicarium,  
 “et summum ecclesiæ pastorem agnoscunt: quam christianus  
 “orbis, in concilio Lateranensi congregatus, ipsi concessam  
 “professus est.” A very different construction of this de-

jection of the pope's deposing power, by the present English and Irish catholics, in the oaths prescribed to them in the present reign, will be mentioned.

## XXV. 2.

*The Oath of Allegiance framed by James the first.*

THE oath is expressed in the following terms :

“ I, *A. B.* do truly, and sincerely, acknowledge,  
 “ profess, testify, and declare, in my conscience,  
 “ before God, and the world, that our sovereign  
 “ lord king James is lawful, and rightful, king of  
 “ this realm, and all other his majesty's dominions,  
 “ and countries ; and that the pope, neither of him-  
 “ self, nor by any authority of the church, or see of  
 “ *Rome*, or by any other means, with any other,  
 “ hath any power, or authority, to depose the king,  
 “ or to dispose of any of his majesty's kingdoms, or  
 “ dominions ; or to authorize any foreign prince to  
 “ invade, or annoy, him, or his countries ; or to  
 “ discharge any of his subjects of their allegiance  
 “ and obedience to his majesty ; or to give licence  
 “ or leave to any of them to bear arms, raise tumults,

cree, if it be such, of the 4th council of Lateran, has been contended for by Doctor Hay, Doctor Milner, Mr. Lingard, Mr. Potts, and other catholic writers. Bossuet led the way to all that has been said on this subject, by his discussion, in the 4th book of his *Defense de la Declaration du Clergé de France—sur le genre des loix, que l'Eglise impose du consentement des Princes, et avec le secours de leur loix, &c. &c.* On this famous article of the 4th council of Lateran, Mr. Plowden's *Church and State*, book ii. ch. 7, may be usefully consulted.



“ or to offer any violence, or hurt, to his majesty’s  
“ royal person, state or government, or to any of  
“ his majesty’s subjects, within his majesty’s domi-  
“ nions.”

“ Also I do swear, from my heart, that, notwith-  
“ standing any declaration, or sentence of excom-  
“ munication, or deprivation, made or granted, or  
“ to be made or granted, by the pope or his succes-  
“ sors, or by any authority derived, or pretended to  
“ be derived, from him, or his see, against the said  
“ king, his heirs, or successors, or any absolution of  
“ the said subjects from their obedience ; I will  
“ bear faith, and true allegiance, to his majesty, his  
“ heirs and successors, and him, and them, will de-  
“ fend to the uttermost of my power, against all  
“ conspiracies, and attempts, whatsoever, which shall  
“ be made against his or their persons, their crown  
“ and dignity, by reason or colour, of any such sen-  
“ tence, or declaration, or otherwise ; and will do  
“ my best endeavour to disclose, and make known,  
“ unto his majesty, his heirs, and successors, all  
“ treasons, and traiterous conspiracies, which I  
“ shall know, or hear of, to be against him, or any  
“ of them.”

“ And I do further swear, that I do from my  
“ heart abhor, detest, and abjure, as impious, and  
“ heretical, this damnable doctrine and position,  
“ That princes, which be excommunicated, or de-  
“ prived by the pope, may be deposed, or murdered,  
“ by their subjects, or any other whatsoever.”

“ And I do believe, and in my conscience am  
“ resolved, that, neither the pope, nor any other

“ person whatsoever, hath power to absolve me of  
 “ this oath, or any part thereof, which I acknow-  
 “ ledge by good, and full, authority, to be lawfully  
 “ ministered unto me; and do renounce all pardons,  
 “ and dispensations to the contrary.”

“ And all these things I do plainly, and sincerely  
 “ acknowledge, and swear, according to these ex-  
 “ press words, by me spoken; and according to the  
 “ plain, and common, sense and understanding of  
 “ the same words; without any equivocation, or  
 “ mental evasion, or secret reservation, whatsoever:  
 “ And I do make this recognition, and acknowledg-  
 “ ment, heartily, willingly, and truly, upon the true  
 “ faith of a christian.”

“ So help me God.”

### XXV. 3.

#### *The Briefs of Paul the fifth against the Oath of Allegiance.*

1. *The first brief* was translated by James the first, in the following terms.

“ Well beloved sonnes, salutation, and apostoli-  
 “ call benediction. The tribulations, and calami-  
 “ ties, which ye have continually sustained for the  
 “ keeping of the catholike faith, have alwayes af-  
 “ flicted vs with great grieve of mind. But, for as  
 “ much as wee vnderstand, that, at this time, all  
 “ things are more grievous, our affliction hereby is  
 “ wonderfully increased. For, wee have heard,  
 “ how you are compelled, by most grievous punish-

“ments set before you, to go to the churches of here-  
“tikes, to frequent their assemblies, to be present  
“at their sermons. Truly, wee doe vndoubtedly  
“beleue, that they, which, with so great constancie,  
“and fortitude, have hitherto indured most cruell  
“persecutions, and almost infinite miseries, that  
“they may walke without spot in the law of the  
“Lord, will never suffer themselves to bee defiled  
“with the communion of those, that have forsaken  
“the divine law. Yet notwithstanding, being com-  
“pelled by the zeale of our pastorall office, and by  
“our fatherly care, which we doe continually take  
“for the salvation of your soules, we are inforced  
“to admonish, and desire you ; that, by no meanes,  
“you come vnto the churches of the heretikes, or  
“hear their sermons, or communicate with them  
“in their rites, lest you incurre the wrath of God.  
“For, these things may yee not doe, without in-  
“damaging the worship of God, and your owne  
“salvation. As likewise, you cannot, without most  
“euident and grievous wronging of God’s honour,  
“binde yourselues by the oath, which, in like man-  
“ner, we have heard, with very great grieve of our  
“heart, is administered vnto you, of the tenor  
“under written, viz.” (I, A. B. &c.)

“Which things, since they are thus ; it must evi-  
“dently appeare vnto you, by the words themselves,  
“that such an oath cannot be taken, without hurt-  
“ing of the catholike faithe, and the salvation of your  
“soules : seeing it conteines many things, which  
“are flat contrary to fayth, and salvation. Where-  
“fore, we doe admonish you, that you doe vtterly

“ abstaine from taking this, and the like oathes :  
“ which thing, we doe the more earnestly require of  
“ you, because we have experience of the constancy  
“ of your faith, which is tried, like gold, in the fire  
“ of perpetuall tribulation. We doe well know,  
“ that you will cheerefully vndergoe all kind of  
“ cruel torments whatsoever ; yea, and constantly  
“ endure death itselfe, rather than you will, in any  
“ thing, offend the maiestie of God. And this our  
“ confidence is confirmed by those things, which  
“ are daily reported vnto vs, of the singular virtue,  
“ valour, and fortitude, which, in these last times,  
“ doeth no less shine in your martyrs, then it did  
“ in the first beginning of the church. Stand there-  
“ fore, your loynes being girt about with veritie,  
“ and hauing on the brest plate of righteousness,  
“ taking the shield of faith, bee yee strong in the  
“ Lord, and in the power of his might ; and let  
“ nothing hinder you. Hee, which will crowne  
“ you ; and doeth in heauen behold your conflicts,  
“ will finish the good work, which he hath begun  
“ in you. You know, how hee hath promised his  
“ disciples, that hee will never leave them orphanes :  
“ for, hee is faithfull, which hath promised. Hold  
“ fast, therefore, his correction, that is ;—being  
“ rooted and grounded in charitie, whatsoever yee  
“ doe, whatsoever yee endeavour, doe it with one  
“ accord, in simplicitie of heart, in meekenesse of  
“ spirit, without murmuring, or doubting. For, by  
“ this, doe all men know, that wee are the disciples  
“ of Christ, if we have loue one to another. Which  
“ charitie, as it is very greatly to bee desired of all



“ faithfull christians ; so, certainly, is it altogether  
“ necessary for you, most blessed sonnes. For, by  
“ this your charitie, the power of the deuill is weak-  
“ ened ; who doeth so much assaile you, since that  
“ power of his is especially vp-held by the conten-  
“ tions, and disagreement, of our sonnes. We  
“ exhort you, therefore, by the bowells of our Lord  
“ Jesus Christ, by whose love, wee are taken out of  
“ the lawes of eternall death ; That, above all things,  
“ you would have mutuall charitie among you.  
“ Surely, pope Clement the eight, of happy memory,  
“ hath giuen you most profitable precepts of prac-  
“ tising brotherly charitie one to another, in his  
“ letters, in forme of a breue, to our well-beloved  
“ sonne, M. George, archpriest of the kingdome  
“ of England, dated the 5th day of the moneth of  
“ October, 1602. Put them, therefore, diligently  
“ in practise ; and bee not hindered by any diffi-  
“ cultie, or doubtfulnesse. We command you, that  
“ ye doe exactly obserue the words of those letters ;  
“ and that ye take, and vnderstand them, simply,  
“ as they sound, and as they lie ; all power to in-  
“ terpret them otherwise being taken away. In the  
“ meane while, wee will never cease to pray to the  
“ Father of mercies, that hee would, with pitie,  
“ beholde your afflictions, and your paines ; and  
“ that he would keepe, and defend, you with his  
“ continuall protection : whom we doe gently greet  
“ with our apostolicall benediction. Dated, at  
“ Rome, at S. Marke, vnder the signet of the Fish-  
“ erman, the tenth of the Kalends of October, 1606,  
“ the second yeare of our popedome.”

It appears, that, when the brief reached England, great doubts were entertained of its authenticity.— This circumstance produced a second brief. It is translated, in the following terms, by the royal polemic :

“ Beloued sonnes, salutation, and apostolicall  
“ benediction. It is reported vnto vs, that there  
“ are found certaine amongst you, who, when, as  
“ wee have sufficiently declared by our letters,  
“ dated the last yeere, on the tenth of the calend  
“ of October, in the forme of a breue, that yee  
“ cannot, with safe conscience, take the oath, which  
“ was then required of you ; and when, as wee  
“ have further straitly commaunded you, that, by  
“ no meanes, ye should take it : yet, there are  
“ some, I say, among you, which dare now affirme,  
“ that such letters, concerning the forbidding of  
“ the oath, werè not written of our own accord, or  
“ of our owne proper will ; but rather, for the  
“ respect, and at the instigation, of other men.  
“ And for that cause, the same men doe goe about  
“ to persuade you, that our commands, in the said  
“ letters, are not to be regarded. Surely, this  
“ newes did trouble us ; and that so much the  
“ more, because having had experience of your obe-  
“ dience, (most dearely beloved sonnes), who, to  
“ the end ye might obey this holy see, have godly,  
“ and valiantly, contemned your riches, wealth,  
“ honour, libertie, yea and life itselfe ; we should  
“ never have suspected, that the trueth of our  
“ apostolique letters could once be called into ques-  
“ tion among you, that by this pretence, yee might

“ exempt yourselues from our commandements.  
“ But, we doe herein perceiue the subtiltie, and  
“ craft, of the enemie of mans saluation ; and wee  
“ doe attribute this your backwardnesse, rather to  
“ him, than to your owne will. And for this cause,  
“ wee have thought good to write the second time  
“ vnto you ; and to signifie vnto you againe, That  
“ our apostolike letters, dated the last yere, on  
“ the tenth of the calends of October, concerning  
“ the prohibition of the oath, were written, not  
“ onely vpon our proper motion, and of our certaine  
“ knowledge ; but also after long, and weightie,  
“ deliberation, vsed concerning all those things,  
“ which are contained in them ; and that, for that  
“ cause, yee are bound fully to observe them ; re-  
“ jecting all interpretation, perswading to the con-  
“ trary. And this is our meere, pure, and perfect  
“ will ; being always carefull of your salvation, and  
“ alwayes minding those things, which are most  
“ profitable vnto you. And wee doe pray without  
“ ceasing, that he, that hath appointed our lowli-  
“ nesse to the keeping of the flocke of Christ, would  
“ enlighten our thoughts, and our counsels : whom  
“ we do also continually desire, that he would in-  
“ crease in you, (our beloued sonnes), faith, con-  
“ stancy, and mutuall charitie, and peace, one to  
“ another. All whom, we doe most lovingly blesse,  
“ with all charitable affection.”

“ Dated at Rome, at Saint Marke’s, vnder the  
“ signet of the Fisherman, the x of the calends of  
“ September, 1607 ; the third yeere of our pope-  
“ dome.”

## CHAP. XXVI.

THE CONTROVERSY RESPECTING THE LAWFULNESS  
OF THE OATH.

TO all, who are interested, either in the history of the times, to which these pages relate, or in the history of the pretensions of the popes to temporal power, this controversy is of singular importance. This, however, is not the place for detailing its particulars. The combatants, who principally distinguished themselves in it, were cardinal Bellarmine, and father Preston, an English benedictine monk, who assumed, in this controversy, the surname of Widdrington. Each wrote, as a scholar and a gentleman. The objections to the oath were numerous ; but, as we have already said, and must repeat, in this place, the *cardo causæ*, the hinge, on which the merits of the case principally rested, was, the lawfulness of the absolute denial, expressed in the oath, of the pope's divine right to the power, of deposing sovereigns from their kingdoms for heresy.

To lead the reader to a general view of the history of the controversy, we shall present to him,  
I. An account of the approbation of the oath, by Mr. Blackwell, the archpriest ; and the letter addressed to him upon it by cardinal Bellarmine :  
II. Of James's apology for the oath : III. Of the



answers to it by cardinal Bellarmine,—with a mention of the cardinal's system on the pope's authority in temporals: IV. Of the answer to James's apology by father Parsons,—with a notice of his general character,—and of the work, on the succession to the crown, of which, under the name of Doleman, he is said to have been the principal author: V. And of the Præmonition, prefixed by James the first, to the second edition of his apology, and addressed by him to the emperor, and all other sovereign princes and states.

## XXVI. 1.

*Mr. Blackwell's approbation of the Oath.—Cardinal Bellarmine's letter to him upon it.*

THE first publication on the controversy, was a letter, which Mr. Blackwell, the archpriest, addressed to the English catholics, declaring his opinion to be favourable to the oath; and advising them to take it. This produced a letter to the archpriest, from cardinal Bellarmine, expressing a contrary opinion; blaming the archpriest for having taken the oath; and exhorting him to retract it. Some individuals,—among whom we may reckon the monarch himself—thought, that the cardinal had mistaken the oath of supremacy, enacted by queen Elizabeth, for the oath of allegiance, proposed by James:—Supposing, at the same time, that the former was the oath, taken and recommended, by Blackwell.

## XXVI. 2.

*King James's Apology.*

JAMES himself now entered the lists,—and published, *Triplici nodo Triplex cuneus, or an Apologie for the Oath of Allegiance, against the two Breves of pope Paulus quintus, and the Letter of cardinal Bellarmine to the archpriest.* To this apology several answers were published. The most remarkable were, one, published by the cardinal, and another, by father Parsons.

## XXVI. 3.

*Cardinal Bellarmine's Reply to King James's Apology.—  
The Cardinal's system of the Temporal Power of the Pope.*

THE cardinal was, at this time, the most illustrious champion of the roman-catholic faith; and the ablest, and most judicious, of the defenders of the papal prerogatives. He had been recently engaged in a controversy concerning these, which had called forth all his powers. In consequence of the refusal of the senate of Venice to release two ecclesiastics, who had been thrown into prison, for murder, Paul the fifth laid the whole territory of Venice under an interdict; and continued it in force, for a year. The senate paid no regard to the interdict; ordered all ecclesiastics within their dominions to continue the celebration of the divine mysteries; and the exercise of their other func-

tions ; and banished the refractory. Through the interference of Henry the fourth, the pope recalled the interdict. The Venetians received the ambassador of the pope, when he announced the recall, with the greatest outward demonstration of respect ; but, absolutely refused to make the slightest excuse, or apology ; or even to accept of an absolution from the pontiff. During the whole of the contest, Italy was inundated with publications, on each side ;—the celebrated Fra. Paolo, led the Venetian, and cardinal Bellarmine, the pontifical array ; the former, by his *Considerations on the Censures of Paul the fifth against the republic of Venice* ; by his *Treatise on Interdicts*, and the *Rights of Asylums* ; the latter, by his *Treatise de Romano Pontifice*. All the works of Bellarmine are distinguished by their precision, their lucid order, and by the fairness, with which he states the objections, and proposes the answers to his doctrines. In the controversy with the Venetians, the good sense of the cardinal showed him that the time was come, when the lofty language, with which the popes urged their temporal pretensions, would no longer be endured. Rejecting, therefore, the pope's claim of a right to interfere in concerns, merely temporal, and in no wise affecting the cause of religion,—he asserted for him, a right to the use of temporal power, both in temporal and spiritual concerns, provided the good of religion required the exercise of it. Perhaps, the distinction is merely verbal ; but his softening the language of the claim revealed its falling fortune. Under the name of *Matthias*

*Tortus*, he published *Responsio ad Librum Jacobi Regis Magnæ Britaniæ, de juramento Fidelitatis*, Col. 8vo. 1610.

## XXVI. 4.

*Father Parsons's Reply to the Apology of King James.—Observations on his Character; and on the work, on the succession to the Crown, which he is supposed to have published, under the name of R. Doleman.*

FATHER Robert Parsons, the other antagonist of James, was a man of uncommon endowments; and wanted only a larger scene of action, to have had his name enrolled amongst those, who are most renowned in history for political talent. As a writer, it is not going too far to say of him,—that he excelled all his contemporaries. Even at this time, whoever wishes to attain the perfection of the real English style, may usefully give days and nights to the study of the writings of this extraordinary man.

As a spiritual writer, he is chiefly known by his *Christian Directory*. The editions of this work are numerous. Two, with some alterations, were published by divines of the church of England, for the use of protestants. The works, which particularly relate to the subject of these pages, are,—His *Treatise on the three conversions of England*, is now become scarce. As an account of the sectaries of the middle ages, and particularly, as a confutation of Fox's Book of Martyrs, the English catholic justly deems it invaluable. As a politician, the extent and accuracy of his knowledge are eminently



displayed, in the works, entitled, *A Conference about the next Succession to the Crown of England, under the name of R. Doleman*, 8vo. ; and *Leicester's Commonwealth*, 8vo. Neither of these books were, however, acknowledged by him ; and it seems probable, that both cardinal Allen, and sir Francis Englefield, had some concern in the former\*. Still, there can be little doubt that father Parsons held the pen. The *Conference on the Succession* turns upon these positions,—that the claim of succession to any government, by nearness of blood, is not established by the law of nature, or by the divine law, but only by the human, and positive laws of every particular commonwealth ; and consequently may, upon just causes, be varied ;—that this is clear from history :—that the want of the true religion is a just cause for excluding the heir apparent ;—and that, under all circumstances, the infant of Spain had the fairest pretensions to succeed queen Elizabeth in the throne of England. Every true whig, must admire Doleman's discussions of the first point ;—every man of learning, and every antiquary, must be pleased with his discussion of the second : The king of Spain could not have rewarded, too munificently, his discussions of the third and fourth.

But the work of father Parsons, to which the subject of the present pages now leads us to advert, is his “ *Judgment of a catholic Englishman, living in banishment for his religion, written to his pri-*

\* Answer to the Memoirs of Panzani, p. 152.

*vate friend in England,—concerning a late book set forth, and intituled, Triplici nodo, Triplex cuneus, or an Apologie for the oath of allegiance against two breves of pope Paul the fifth, to the catholics of England, and a letter of cardinal Bellarmine to Mr. George Blackwell, archpriest,—whereby the said oath is showed to be unlawful unto a catholic conscience, for so much as is contained in sundrie causes, repugnant to religion,”* 8vo. 1608.

This elaborate, elegant, and eloquent, composition assumes \*, as unquestionable,—that it is consistent with the integrity, and sincerity, of true, catholic doctrine and faith, to deny, that the pope hath authority, without just cause, to proceed against temporal princes ;—and equally consistent with them to deny, that, with just cause, he hath *directly*, such an authority to proceed against them ;—but, that it is inconsistent with the integrity and sincerity of true catholic doctrine, and faith, to deny, that, with a just cause, he hath such authority, *indirectly*.

Assuming this proposition, he proceeds to the discussion of his majesty's apology ; and, to do it with greater freedom, professes to believe, that the apology was the composition, not of his majesty, but of some underling writer. The following sections are extracted from it, for the perusal of the reader. He will find, that they contain a noble assertion of the right to liberty of conscience ;—some just remarks on the Gunpowder conspiracy ; and an affect-

\* Sect. xxx.

ing account of the sufferings of the catholics under the persecutions, which have been mentioned.

“ Let vs heare, if you please, one exaggeration  
 “ of the writer’s, concerning his maiestie’s myldnes  
 “ vnto vs ; and our ingratitude in abusing the same  
 “ to pryde.—*His maiestie’s government, (saith he),*  
 “ *over them, hath so far exceeded that of q. Eliza-*  
 “ *beth, in mercy and clemency, as the papists them-*  
 “ *selves grew to that height of pryde, in confidence*  
 “ *of his myldnes, as they did directly expect, and*  
 “ *assuredly promise to themselves, liberty of con-*  
 “ *science, and equality with vs, in all things, that*  
 “ *are his best, and faithfull subjects, &c.—Do you*  
 “ *see, what a height of pride this was? And what*  
 “ *an abuse of his maiestie’s mercie and clemencie,*  
 “ *to expect libertie of conscience? Why had he*  
 “ *not objected, in like manner, that they expected*  
 “ *the libertie of breathing ; and using the common*  
 “ *ayre, as well as protestants? For, that neither*  
 “ *breathing, nor the vse of common ayre, is more*  
 “ *due vnto them, or common to all, then ought to*  
 “ *be libertie of conscience to christian men, where-*  
 “ *by eche one liveth to God, and to himselfe ; and*  
 “ *without which, he struggleth with the torment of*  
 “ *a continuall lingring death.*”

“ And, surely, I cannot but wonder, that this  
 “ minister was not ashamed to call this, the *height*  
 “ *of pride*, which is generally found in all pro-  
 “ testants, never so humble : yea, the more humble,  
 “ and vnderlings, they are, the more earnest are  
 “ they, both in bookes, speeches, and preachings,  
 “ to proue, that libertie of conscience is most con-

“ forme to God’s law ; and that wresting, or forcing of consciences, is the highest tyranny, that can be exercised vpon man. And this we may see, first, in all M. *Fox* his history ; especially during the time of the three king *Henries*, 4, 5, and 6 ; and afterward, when those, that were called *Lollards*, and *Wickliffians*, who, as M. *Fox* saith, were indeed good protestants, being pressed somewhat about their religion, did continually beare upon this argument of libertie of conscience ; and when they obteyned it not, they set up publike schedules upon the church dores of *London*, and made those famous conspiracyes of killing K. *Henry* the fifth, and all his family, which are recounted by *Walsingham*, *Stow*, *Fox*, and other English historiographers.”

“ In this our age, also, the first opposition of protestant princes in *Germanie*, against their emperor *Charles* the fifth, both at *Smalcald*, *Austburgh*, and other meetings, as afterwards also, the fierce, and perillous warrs by the duke of *Saxony*, *Marques* of *Brandeburge*, and other protestant princes, and their people against the same emperor, begunne in the very same yeare, that our K. *Henry* dyed. Were they not all for lyberty of conscience ? So pretended, so printed, so published, so divulged, to the world ? The first supplications, memorialls, and declarations, in like manner, which the protestants of *France* set forth in print : as also, they of *Holland*, and *Zeland*, in tyme of the governments, as well of the



“ duchesse of *Parma*, duke of *Alva*, *Commendador*  
 “ *Mayor*, and other governors: did they not all  
 “ expressly professe, that their principall griefes  
 “ were, about liberty of conscience restrayned?  
 “ And did not they cyte many places of scriptures,  
 “ to proue the equity, and necessity, thereof? And  
 “ do not all protestants the like, at this day; in  
 “ all places, where they are, both in *Polonia*, *Aus-*  
 “ *tria*, *Hungaria*, *Bohemia*, *Styria*, and els where?  
 “ And how then is *Jordanis conversus retrorsum*  
 “ with this minister? How, is his voyce contrary  
 “ to the voyce and sense of all the rest? How,  
 “ and with what reason, may he call it the *height of*  
 “ *pryde* in English catholicks, to have but hopes  
 “ thereof, which is so ordinary a doctrine, and prac-  
 “ tice, of all his brethren in forraine nations,—to  
 “ witt, for *vs* to expect liberty of conscience, at  
 “ the first entrance of our new king, of so noble,  
 “ and royall, a mynd, before that time, as he was  
 “ never known to be giuen to cruelty, or persecu-  
 “ tion, in his former raigne? The sonne of such a  
 “ mother, as held her selfe much beholden to Eng-  
 “ lish catholicks? And himselfe in his little *golden*  
 “ *booke* to his sonne, the prince, had confessed,  
 “ that he had ever found the catholicke party most  
 “ trusty vnto him? And thereupon had done sun-  
 “ dry fauours to divers of them, and given no small  
 “ hope of greater vnto others?

“ From this king (I say), whom they so much  
 “ loved, and honoured, receyued so gladly, and with  
 “ vniuersall joy, meant to serve faithfully; and

“ trusted, that as he had vnited the two kingdomes  
“ in one obedience by his succession, —so would he,  
“ by his liberality, vnite, and conioyne, the harts of  
“ all his subjects, in bearing a sweete, and equall,  
“ hand towards them all : From such a king, (I  
“ say), for vs to expect liberty of conscience, and  
“ equality with other subjects, (in this poynte, at  
“ least, of freedome of soule), *what height of pryde*,  
“ may it be called?—May it not rather seeme  
“ *height of pride* in this minister, and his fellowes,  
“ that, hauing byn old enemyes, and alwayes borne  
“ a hard and hatefull hand, and tongue against his  
“ maiestie, both in their sermons, bookes, speaches,  
“ all the time of the late queene’s raigne ; now,  
“ vpon the suddayne, *sine ullis meritis præceden-*  
“ *tibus*, will needs be so priuiledged, and assume  
“ vnto themselues such a confident presumption of  
“ his maiestie’s speciall favour as to suffer no man  
“ to stand by them ; but to hold it for height of  
“ pryde in vs, to hope for any freedome, and liberty,  
“ or our conscience at all? What is *height of*  
“ *pryde and folly*, if this be not ?

“ But,—his maiestie is wise ; and will, as we  
“ hope, according to his prudence, in tyme, looke  
“ into this sort of men, and manner of proceeding.  
“ And,—to returne to the apologer, he reckoneth  
“ vp,—(thereby to exaggerate the more our ingra-  
“ titude),—the particular favours his maiestie did  
“ vnto vs, at his first entrance, as, *That he did ho-*  
“ *nour diuers catholicks with knighthood, being*  
“ *open recusants : That he gave audience indiffer-*  
“ *ently to both sydes : bestowed equally favours,*

“ and honours, upon both professions : gave free  
 “ continuall accesse to all rankes, and degrees of  
 “ papists, in his court and company ; freeing re-  
 “ cusants from their ordinarie payments : gave  
 “ order to his judges, with his owne mouth, to spare  
 “ execution of all priests, though they were con-  
 “ victed : gave libertie by his gracious proclama-  
 “ tion to all priests, not taken, to go out of the  
 “ countrey, by such a day ; and all priests, that  
 “ were taken, were sent over, and sett at liberty :  
 “ and many other gracious favours, and benefittes ;  
 “ which, (said he), tyme and paper would fayle me,  
 “ if I would make enumeration of them all : in  
 “ recounting whereof, every scrape of my pen, (to  
 “ vse his words), would serve, but for a blott of the  
 “ pope’s ingratitude, and iniustice, in meating his  
 “ maiestie with so hard a measure for the same.  
 “ So as I thynke, (quoth he), I have sufficiently  
 “ wiped off the tears from the pope’s eyes, for  
 “ complayning vpon such persecution, &c.

“ Thus writeth this man, who, in naming the  
 “ pope’s ingratitude, must much more include ours,  
 “ that are catholickes ; for that these benefittes,  
 “ such as they were, appertayned nothing to the  
 “ pope, but only, in christian charity, as a common  
 “ spirituall father, and pastour, he being otherwise  
 “ a stranger vnto vs in blood ; and for other worldly  
 “ respects. And, as for catholicks, they accept  
 “ gratefully, whatsoever least fauour hath byn, or  
 “ is done, vnto them ; and do not doubt but that  
 “ if his maiesty had not beene prevented by sinister  
 “ information, and persuasion of others, they had

“ tasted of much greater, as due vnto them, in that,  
“ they are naturall borne subjects of the realme ;  
“ most loyall in hart and affection, and neuer mean-  
“ ing otherwise, but to liue in most orderly, and  
“ dutifull, subiection, and obedience to his highnes,  
“ as to their liege lord, and soueraigne.

“ And, wheras this man, for prooffe of the con-  
“ trary, nameth the powder-treason of a few, therby  
“ to discredite the whole, though this calumnation  
“ haue beene answered before : yet now I add fur-  
“ ther, as one said, *Distingue tempora, et scriptu-*  
“ *ram concordabis.* *If there had bene no perse-*  
“ *cution before that treason, this might have bene*  
“ *assigned for some probable cause of the subse-*  
“ *quent tribulations : but all England knoweth*  
“ *that this is not so :—*but, that his maiestie’s sweete  
“ and mylde aspect towards catholicks, at his first  
“ entrance, was soone, by art of their enemies,  
“ averted, long before the conspiracy fell out. For  
“ that, not only all the most cruell statutes, and  
“ penall laws, made by Q. *Elizabeth*, were renewed,  
“ and confirmed, before this, with addition of  
“ others, tending to no lesse rigour, and acerbitie :  
“ but also the exaction, or the same, was put in  
“ practice with great seueritie :—and namely,—the  
“ payment of the twenty poundes a moneth, or two  
“ parts of their goods, and landes, for recusants,  
“ (once remitted by his maiestie, as heere is con-  
“ fessed),—were, not only recalled againe, but the  
“ arrearages, in like manner, thereof exacted ; and  
“ for leuying wherof, throughout sundry shyres of  
“ the realme, (especially in the north), there was



“ such ransacking of mens houses ; such driuing  
“ away of their cattell from their groundes ; such  
“ straying of their rents ; such vexing of their tenants, (not knowne, perhaps, to his maiestie), as if  
“ the whole countrey had been given over to spoyle  
“ and desolation.

“ Nor were mens goods, and persons, only affected, but the lives also of sundry taken away for  
“ cause of their religion, before this powder-treason  
“ fell out : which desperate treason, to ascribe as  
“ an effect, and fruite, of too much clemency in his  
“ maiestie, (as this minister doth), is a strange assertion, no doubt : for so much, as such effects  
“ do not proceed, but of exasperated myndes ;  
“ which clemency worketh not, either in men, or  
“ beasts. Neyther did ever any learned philosopher, that wrote of the good institution of any  
“ common wealth, or of the security of any prince  
“ in his government, put such effects, for fruits of  
“ clemency, but rather of the contrary manner of  
“ proceeding.—And, if all the disasterous ends of  
“ the most unfortunate princes, that euer have byn  
“ destroyed, should be laid togeather, and the causes  
“ therof exactly inquired, it would be found so :  
“ and consequently, that this minister is no good  
“ counsellour to his maiestie, in this so great and  
“ weighty affayre. And we hope, that Almighty  
“ God, by the mercy of his dearest sonne, our  
“ Sauour, and through the prayers of his maiestie’s  
“ good mother, and other holy princes of his royall  
“ blood, now in heauen, will never suffer him, at  
“ the egging of such exasperating people, to follow

“ so violent, troublesome, and dangerous, a course ;  
“ and so contrary to theirs, whiles they liued vpon  
“ earth, and so alienate from his owne sweete na-  
“ ture, and princely disposition.

“ But,—to proceed a little further in the narra-  
“ tion of some poyntes of heavy persecution, that  
“ insued, soone after his maiestie’s being in *Eng-*  
“ *land*,—much before the powder-treason was at-  
“ tempted : who doth not knowe, what afflictions  
“ were layed vpon catholicks, euen in the very first  
“ yeare of his maiestie’s raigne, especially towards  
“ the end therof ; and much more throughout all  
“ the second yeare, before the said powder-treason  
“ fell out. For then, not only in the shires, and  
“ provinces abroad ; but even in London itselfe,  
“ and in the eyes of the court, the violence, and  
“ insolency, of continuall searches, grew to be such,  
“ as was intollerable ; no night passing commonly,  
“ but that souldiours, and catch-poles, brake into  
“ quiet mens houses, when they were asleepe ;  
“ and not only carryed away their persons vnto pri-  
“ sons at their pleasure, except they would brybe  
“ them excessively ; but whatsoever liked them  
“ best besydes in the house, eyther of bookes,  
“ cuppes, chalices, or other furniture, that might  
“ any wayes seeme, or be pretended to belong to  
“ religion, was taken for a prey and seized on.  
“ And, among others, I remember, that one friend  
“ of myne, had a drinking cuppe of sylver taken  
“ from him, for that it had the name of Jesus en-  
“ graven vpon it, though otherwise the forme therof  
“ did well shew, that it was but a cuppe, and no

“ chalice. And these searches were made with  
“ such violence and insolency, as diuers gentle-  
“ women were drawne, or forced, out of their beds,  
“ to see, whether they had any sacred thing, or  
“ matter, belonging to the vse of catholick religion,  
“ either about them, or vnder their bedds.

“ What shall I speake of the casting into prisons,  
“ and condemnation to death, of many catholicks,  
“ for the same cause, in every corner lightly of the  
“ countrey; as namely, in *London*, of *M. Hill*,  
“ the priest; and this only for his function, and  
“ for comming into *England*, against the statutes of  
“ queene *Elizabeth*, to the contrary?—Of *M.*  
“ *Sugar* also, an other priest, in *Warwicke*, that  
“ was not only condemned, but executed, with all  
“ rigour, in that cittie, for the same cause; and a  
“ layman with him named *Robert Grysold*, for  
“ receiving him into his house? At *Oxford* also,  
“ foure priests, being taken at that tyme, whose  
“ names were *M. Greene*, *Tichborne*, *Smith*, and  
“ *Brisco*;—all had sentence of death passed upon  
“ them; though after many afflictions suffered in  
“ pryson there, which made them desire much the  
“ speedy execution of the sentence gyuen against  
“ them, they had, instead of this one death, many  
“ deaths layd vpon them, by sending them pri-  
“ soners to the castle of *Wisbich*, where they re-  
“ ceiyued such cruell vsage, both in their diet, lodg-  
“ ing, and other treatie, as made even dyuers  
“ protestants to take compassion of them.—And  
“ why was all this, but for their religion?

“ I let passe the condemnation to death, of a

“ poore man in Oxford, named *Skitell*, for that the  
“ priest M. Greene had fledde into his house, when  
“ he was pursued by the searchers; through which,  
“ condemnation, and perpetuall imprisonment,  
“ thereupon ensuing, were brought to extreme  
“ misery and calamity, his poore wyfe and chil-  
“ dren, most lamentable to behold, or heare re-  
“ counted. And vpon like occasion, was appre-  
“ hended, imprisoned, condemned, and executed  
“ in *Yorke*, about the same tyme, an other lay-  
“ man, named *Thomas Wylborne*, only for that  
“ he had vsed some words of perswasion to a cer-  
“ tayne woman to be a catholicke, notwithstanding  
“ the prohibition of her husband, who followed so  
“ hoatly the matter against him, as he caused him  
“ to be put to death. I pretermit Mistris *Shelley*,  
“ a gentlewoman of good worshippe, cast into the  
“ common jayle at *Worcester*, for that the priest,  
“ *M. Hassells*, was found in her house. The  
“ apprehension, in like manner, and condemning  
“ to death, of *M. Edward Tempest*, priest and  
“ gentleman, in London, at the same tyme. I  
“ passe ouer the cruell sentence of cutting of the  
“ ears of so ancient and venerable a gentleman, as  
“ is *M. Tho. Pound*, that had lyued aboue thirty  
“ yeares in sundry prisons, only for being a catho-  
“ licke, and now last in his old age, had that  
“ honour from God, as to be sentenced, to leese  
“ his eares, and stand on the pillorie, in dyuers  
“ markets, for complayning of hard measure, and  
“ uniuert execution, vsed against catholicks, con-



“ trary, (as he presumed), to his maiestie’s in-  
“ tention.

“ And fynally I passe ouer what was practised  
“ in Herefordshire, Lancashire, and other places,  
“ in this kynd of persecution; and particulerly con-  
“ cerning the new angariation and pressure, then  
“ first brought vp, that men should be bound to  
“ pay for their wyves, that were recusants; a thing  
“ never before exacted in the former queene’s tyme.  
“ I pretermit also to mention, how his maiestie,  
“ before this had rejected the common and humble  
“ supplication of catholicks, exhibited in writing,  
“ for some toleration, and mitigation of the cala-  
“ mities; the which supplication was answered with  
“ contempt and insultation by a minister, and put  
“ in print. His maiestie, in like manner, had  
“ gyuen publike audience, both to *protestants and*  
“ *puritanes*, for three dayes togeather, concerning  
“ the differences of their religion: but to catholicks,  
“ he neuer yealded to gyue any at all. And how  
“ then can this apologer talke so much of equality  
“ vsed in all fauours? How can he say that there  
“ was no persecution before the powder-treason?

“ But let vs go forward, yet some what further.  
“ His maiestie had, before this tyme, vpon other  
“ mens’ importunity, confirmed and ratified, by his  
“ letters patents, all that heape of constitutions,  
“ and canons, (being in number aboue an hundred  
“ and fourty), which the b. b. of *London and Can-*  
“ *terbury*, had devised, and set forth, against ca-  
“ tholicks, for their greater vexation, and affliction.

“ out of which hath flowed since, a hugh sea of  
 “ molestations and exagitations, by searchings,  
 “ spoyles, citations, apprehensions, excommunica-  
 “ tions, and other violences, vpon innocent and  
 “ quiet people, by the rauenuous hungry purseuants  
 “ of those prelates, and other their catch-poles, with-  
 “ out respect, either of justice, or hope of remedy,  
 “ for injuries by them offered. There had passed  
 “ also before this, the speech of the *L. Chancellor*,  
 “ in the Star-chamber; and the sermon of the  
 “ b. of *London* at *Paule's-Crosse*, both of them  
 “ tending to take all hope from catholicks of any  
 “ least fauour, that might be expected, and the  
 “ former expressly charging the judges, in his  
 “ maiestie's name, to vse all seuerity in seeking out,  
 “ and punishing them. Which things being seene,  
 “ and farre worse feared,—yea, designed also, and  
 “ threatened, as those gentlemen apprehended it,  
 “ (especially at the next parliament), cast them into  
 “ that wofull impatience, and precipitation, which  
 “ the event declared.

“ All this then, which the apologer heere telleth  
 “ vs, of catholicks' ingratitude for so many benefits  
 “ receyued, during his maiestie's raigne, and *That*  
 “ *it is a mayne vntruth*,—(to vse his own words):  
 “ —and can neuer be proued, that any persecution  
 “ hath beene in his said maiestie's government; or  
 “ that any were, or are, put to death, or punished,  
 “ for cause of conscience,—is such a kind of speech,  
 “ as if it were told in the *Indies*, many thousand  
 “ myles off, where nothing is knowne of our coun-  
 “ tryes affaires, might, perhaps, fynd some hearers,

“ that would believe it : but in *England*, to auouch  
“ such a thing in print, wher all mens’ outward  
“ senses, eyes, and eares, are witnesses of the con-  
“ trary, is a strange boldness. For, as for per-  
“ secution in goods and lands, as also of mens’  
“ bodies, by imprisonment and other vexations,—  
“ who can deny the same, that will not shut his  
“ said eyes, or eares, from seing and hearing,  
“ that, which daylie passeth within the realme.  
“ And, when nothing els were, yet those two  
“ several, and most memorable, statutes, to witt  
“ the 4 & 5, made in the third yeare of this king’s  
“ raigne,—contayning more severe heads of afflic-  
“ tion, and angariation, against catholicke-recusants,  
“ for their meere conscience, than ever perhaps in  
“ the world, were seene extant, against any one  
“ sorte of wicked men, or malefactors before ;—  
“ do easely conuince the vntruth of this asseueration  
“ about freedome from persecution.

“ And, as for death, which is lesse grieuous to  
“ many, than those other persecutions, the late  
“ example of *M. Robert Drury*, and now againe  
“ these last monethes past, of *M. Matthew Fla-  
“ thers*, and *M. Gervis*, priests,—(to omit others,)  
“ —that dyed expressly for refusing this late de-  
“ uised oath, since the powder-treason,—cannot, I  
“ thinke, be answered, except he will say that this  
“ oath hath no matter of conscience in it for a  
“ catholicke man to receaue : the contrary wherof  
“ we have euidently shewed before, by many de-  
“ monstrations.

“ Wherefore, that, which he addeth immediately,

“ insinuating, and expressly threatning, that, as  
“ there hath been no persecution, or putting to  
“ death before,—(which is not true, as I have  
“ shewed :)—so now, for-so-much as the pope hath  
“ interposed his authority, and forbidden the *oath*  
“ as vnlawfull, there may chance be greater perse-  
“ cution, and more abundant shedding of blood,  
“ which, (as he sayth), must light upon the pope’s  
“ head, for this his prohibition :—all this, (I say),  
“ is so spoken as ech man may see, whither it  
“ tendeth :—to witt, to incyte his maiestie, by such  
“ devises, to ingulfe himselfe into the effusion of  
“ catholickes bloud, casting on the pretence, and  
“ veile, of the pope’s intermeddling as cause thereof:  
“ which is an ancient art of deceit to give *non*  
“ *causam, pro causa* : for that no injury is ever of-  
“ fered vnder the name of injury, but of justice, or  
“ merit. And our Saviour was crucified, as a de-  
“ ceiuour of the people, and disloyall to *Cæsar* :  
“ and *St. Paul* pursued, as a disturber of the weal-  
“ publicke, and peace. And no suffering is so  
“ honourable as that, which commeth with a disho-  
“ nourable title : so as English catholickes must  
“ not be dismayed, when they suffer for the false  
“ imputation of ciuill disloyaltie to their temporall  
“ prince, being witting to themselves, that it is  
“ indeed for their religion, and loyalty to God,  
“ their eternall prince, and supreme king. And  
“ this only shall suffice for this matter. For, if  
“ catholickes further affliction be determined by  
“ their aduersaries, and permitted by God, pretences  
“ will not want, how to do it. The prouerbe is



“ already knowne, *Facile invenies baculum, ut*  
 “ *canem cædas* ; as also the fable of Æsop, that  
 “ the lambe must be slayne, for that drinking, far  
 “ beneath the well, he was pretended, notwithstanding,  
 “ to haue troubled the fountaine. Catholickes  
 “ must be beaten, for that the pope hath resolved  
 “ a case of conscience, that men may not sweare  
 “ against their own religion.—All be to the glory  
 “ of God ; and then fynally will they leese nothing  
 “ therby, which is the only comfort in such manner  
 “ of sufferings.”

## XXVI. 5.

*King James's Præmonition.*

IN the true spirit of an author, James would not permit the controversy to drop.—By way of reply to the cardinal, and to the jesuit, he published a *New edition of his apology, prefixing to it a præmonition, to all most mightie monarchs, kings, free princes, and states, in christendom.* It begins with the following address:—“ To the most sacred, and  
 “ invulnerable Rudolphe the II, by God’s clemen-  
 “ cie elect emperor of the Romans ; king of Ger-  
 “ manie, Hungarie, Bohemia, Dalmatie, Croatie,  
 “ Slavonie, &c. archduke of Austria, duke of Bur-  
 “ gandy, Stiria, Carinthia, Carniola, and Wirtem-  
 “ berg, &c. earl of Tyrolis, &c. And to all other  
 “ right, high, and mightie kings ; and right-excel-  
 “ lent free princes, and states of christendom ; our  
 “ loving brethren, cousins, allies, confederates and

“ friends : James by the Grace of God, king of  
“ Great Britain, France, and Ireland, professor,  
“ maintainer, and defender, of the true, christian,  
“ catholique, and apostolique faith, professed by the  
“ ancient and primitive church, and sealed with the  
“ blood of so many holy bishops, and other faithful,  
“ crowned with the glory of martyrdom,

“ Wisheth everlasting felicity in Christ our  
“ Saviour.

“ To you most sacred and invincible emperor ;  
“ right, high, and mightie kings ; right excellent  
“ free princes, and states : My loving brethren,  
“ and cousins :”

“ To you, I say,—as of right belongeth,—doe I  
“ consecrate and direct this warning of mine, or  
“ rather, preamble to my reprinted apologie for the  
“ oath of allegiance. For the cause is generall,  
“ and concerneth the authoritie, and priviledge, of  
“ kings in generall, and all supereminent temporall  
“ powers.”—

The præmonition contains nothing, which his majesty had not said in the apology, we shall not, therefore, insert any extract from it.—We shall only remark, that, both in the apology, and the præmonition, many pages are filled with learned discussions on the vials, mentioned in the book of Revelations.

## CHAP. XXVII.

THE EXAMINATION OF MR. BLACKWELL, THE  
ARCHPRIEST, BEFORE HIS MAJESTY'S ECCLESIAS-  
TICAL COMMISSIONERS.

THE most important document in the history of this controversy, is, “ The large examination taken  
“ at Lambeth, according to his majesty’s direction,  
“ point by point, of *Mr. George Blackwell*,—made  
“ *archpriest* of England by pope Clement VIII.—  
“ Upon occasion of an answer of his, without the  
“ privity of the state, to a letter lately sent to him  
“ by cardinal Bellarmine, blaming him for taking  
“ the oath of allegiance. Together with the car-  
“ dinal’s letter, and Mr. Blackwell’s letter, to the  
“ romish catholics in England, as well ecclesiastical,  
“ as lay. Imprinted at London, by Robert Barker,  
“ printer to the king’s most excellent majesty,  
“ 1607.”

The commissioners at this examination were the archbishop of Canterbury, the bishop of London, the bishop of Chichester, Mr. James Montague, Mr. Edward Stanhope, Mr. J. Bennett, Mr. R. Swate, Mr. Richard Neyle, Mr. John King, and Mr. William Ferrand.

It would be difficult to produce an instance of a legal discussion, or even of a literary investigation, in which the inquiry has been conducted with so much method,—in which the point under considera-

tion has been so completely cleared of extraneous matter,—or in which, by a regular series of inquiries,—beginning with the most easy, and arising to the most difficult,—a question singularly complicate and delicate, has been so completely brought to a decisive issue.

The examination began, by Mr. Blackwell's propounding,—with the leave of the court,—his own system on the spiritual, and temporal, power of the pope. He did this at some length, in perspicuous, and measured language, but, in terms, too general, to satisfy the commissioners. They, therefore, called on him for explanations; and received them from him.

1. He is first asked,—whether, in virtue of the alleged cessions of Henry the second, and of King John, to the popes,—the kingdoms of England, and Ireland; or either of them, were parts of the temporal dominions of the pope?

To this, the archpriest answers, in the words of Sir Thomas More\*, “Rome never could show such a grant; and, if she could, it were nothing worth.”

2. The commissioners then observe, that several canonists,—among whom they particularly notice cardinal Baronius,—affirm, that “*the pope is as directly lord of the whole world in temporals, as he is head of the universal church in spirituals; and that he hath directly a sovereign authority, in respect of such his worldly dominion, over all*

\* Supplication of Soules, p. 296.



“*emperors, kings, and princes, to dispose of them,*  
 “*and their kingdoms, when occasion shall require,*  
 “*as he hath, in regard of the spiritual supremacie,*  
 “*over all bishops, and clergymen, to advance and*  
 “*deprive them, when he thinketh it convenient;*  
 “*and that they do deserve it.*”

The archpriest replies,—that, “in his answer to  
 “Bellarmine, he had sworn,—that the bishop of  
 “Rome, hath no imperial, or civil power to dis-  
 “pose, at his pleasure, of the king’s majesty.  
 “That, as he had sworn, so did he then constantly  
 “affirm, that he holdeth the opinion before spoken  
 “of, concerning the pope’s direct dominion, and  
 “supreme authority, over all the world in tempo-  
 “rals,—to be untrue.”

3. Advancing in the inquiry, the commission-  
 ers notice to him,—“another kind of authority  
 “ascribed to the pope, and tending to the same  
 “end,—that, *in order to things spiritual, and in-*  
 “*directly, all kings and princes, with their king-*  
 “*doms, and countries, are subordinate to the pope,*  
 “in so much as if he see cause, and that kings,  
 “and princes will not be advised by him, he may  
 “not only excommunicate them, but, proceeding  
 “by degrees, depose them, absolve their subjects  
 “from their oaths of allegiance, and rightfully  
 “command them, if need be, to bear arms against  
 “them.”

The archpriest replies, that, “the pope’s excom-  
 “munication can produce no such effect as deposi-  
 “tion, eradication, absolution of subjects from their  
 “oath of allegiance; nor any sufficient warrant,

“either to rebel, or lay violent hands upon the king.”—He admits, that some canonists have held the affirmative of this proposition:—“but what private men write, should not,” he says, “be imputed to the doctrine of the catholick church, or to the prejudice of any man, who does not hold it.”

4. Diverging somewhat from their strict line of inquiry, the commissioners then cite to the archpriest, passages in the works of several writers, which assert, that *the obedience of catholicks at different times to excommunicated princes, was owing, not to their not having a right to resist; but to their not having the means for successful resistance.*

The truth of the assertions of these authors, the archpriest denies unequivocally. He expresses his wonder, that they were ever made,—observing, that they would, thus, exhibit the apostles, and martyrs, as mere temporizers; and that, in the early writers of the church, there is not a single syllable of such language.

5. The commissioners then return to the indirect temporal power of the pope.

Here,—the archpriest cites the very strong and decisive facts and arguments, by which cardinal Bellarmine combats the doctrine of the pope’s direct power in temporals. He contends, that these apply equally to his alleged indirect temporal power; and concludes by wishing, with all his heart, that either cardinal Bellarmine had not intermeddled with the question of the pope’s authority in temporals; or else, that he had been able to handle

it, if it have any truth in it, more pithily, and thoroughly. “ In summe thereof,” concludes the archpriest, “ the pope’s power ought not to be “ extended beyond the power of the kingdom of “ heaven, and of the censures of the church, properly so called. He hath no authority in temporalls, either directly or indirectly, to depose “ kings, &c.—by what name, or title soever, the “ said power is called ;—whether he putteth it in “ practice, in order to spiritual things, or whether “ the end he aimeth at, by such his proceedings, “ with any king or prince, be spiritual, or supernatural ; that is, be pretended to be undertaken “ for the good of the church, and promoting of “ christianity ; the same, in his judgment, being “ neither apostolical, nor agreeing to the practice “ of the most worthy bishops of Rome, in the primitive church, and for a long time after ; nor “ available in truth to the catholic church ; but “ rather hurtful, and great hindrance thereto.”

He then, “ truly, and sincerely, from the bottom “ of his heart, declares, in his conscience, before “ God, and the world, that king James, his sovereign lord, is jure divino, and by the positive “ laws of this realm, lawful, and rightful, king of “ this realm ; and of all other his maiestie’s dominions and countries, both de facto, and de “ jure ; and that it was not lawful, either for his “ majesty’s subjects to have withstood him ; nor “ ever could it be lawful for them, now that he is “ their king, to rise up against him, or seek, by “ any ways or means, to hurt him, either in his

“ health, or in his regal estate, altho’ he, (the  
“ king), denieth the pope’s supremacy in causes  
“ ecclesiastical, and seeketh to suppress all those,  
“ that dissent from him, in those points of religion,  
“ which he embraceth ; and tho’ likewise they, his  
“ said subjects, being either catholics, or protest-  
“ ants, had sufficient number, forces, and ability,  
“ so to do, without any scandal to the catholic  
“ cause, and without any danger to themselves,  
“ either in their goods, or lives.”

6. It might have been expected, that this full, and explicit, answer would have closed the inquiry. The commissioners, indeed, said, that the archpriest had very well discharged his duty. Still, they involved the interrogation to a higher power,—to the highest, perhaps, to which the inquiry could be carried. “ It is possible,” they said, “ that *the pope may define the deposing power to be a matter of faith ; then,*” they observed, “ *it must be acknowledged by popish catholics, that his holiness may depose kings, and deale with their subjects, as is aforesaid ;—and thus his majesty, and all other christian princes, as their occasions fall out, must still rest unassured of the loyalty of their subjects, and of their own safeties ;—It is therefore,*” they add, “ necessary, that the archpriest should clear this poynt.”

To this question, the archpriest replied,—That “ he was perfectly assured, that the pope would not make such a determination ; and that he *could not make it ;*” He cannot,” said the archpriest, “ determine it to be lawful, under any pretence



“ whatever, for a man to commit adultery with his  
 “ neighbour’s wife ; no more can he determine it  
 “ to be lawful, under any pretence whatsoever, for  
 “ any of his majesty’s subjects to bear arms against  
 “ him ;—both of them, being against the moral law  
 “ of God, which the gospel doth, in no one point,  
 “ prejudice.—Nor, as he cannot, by any pretence  
 “ whatsoever, make a son to be no son, during the  
 “ life of his father ;—no more can he make the  
 “ born subject of any king, not to be his subject,  
 “ so long as the king liveth.”

7. *Cardinal Allen’s Admonition to the nobility of England*,—noticed in a former part of this work, —being mentioned. The archpriest declared, that  
 “ he could not chuse but confess, from all his heart,  
 “ that he did dislike, and disavow, all the argu-  
 “ ments, published in that book, which had any  
 “ tendency to persuade the queene’s subjects to  
 “ take part with the forces of the king of Spain ;  
 “ because she was deposed by the pope’s sentence ;  
 “ and in some other respects therein mentioned ;  
 “ and likewise all the persuasions, and resolutions,  
 “ which were sent into Ireland from Salamanca,  
 “ or from any place else, tending to the same  
 “ purpose.”

8. Several passages from the works of cardinal Allen, and of doctor Stapleton, being then read by the commissioners to the archpriest :—

“ Alas ! alas !” he cried, “ what mean you to  
 “ increase my sorrow ? I have said enough before  
 “ to show you, how much I do detest these kind  
 “ of positions, as being infected, if not with a

“ canker, at least with untruths. How glad should  
“ I have been, if these kinds of positions, now  
“ charged on me, had been left to Buchanan, and  
“ such of his followers, as have run that race.”—  
He expressed his humble desire, that “ he might  
“ be no further troubled with these uncatholic,  
“ and bloody, novelties ;” and therein he had his  
desire.

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## CHAP. XXVIII.

ULTERIOR OCCURRENCES RESPECTING THE PRO-  
TESTATION OF ALLEGIANCE.

AFTER some further observations, and replies, the examination closed.—As it appeared to the writer, to contain much interesting matter ; and the copies of it are extremely rare, he thought an account of its most remarkable passages would be acceptable to the reader ; and probably the reader will be of opinion, that the archpriest’s statements and answers were expressed with great precision ; and do credit to him, as a sound divine, a loyal subject, and an honest man.—Soon after his examination, the archpriest addressed a second letter to the English catholics, repeating his approbation of the oath, recommending them to take it ; and advising them not to be deterred from doing so, by the briefs of the pope. He received a second letter from Bellarmine, under the title of *Apologia con-*

*tra Præfationem Monitorum Jacobi regis.* The cardinal published also a reply to his majesty's præmonition.

It appears, that the briefs of Paul the fifth withheld the general body of English catholics from taking the oath prescribed by James, and induced some, who had taken it, to retract, as far as it was in their power, their signatures to it. The adversaries of the catholics availed themselves of this circumstance to inflame the popular prejudices; and demanded, that the laws against popery should be carried into execution, with increased severity. The weak prince obeyed the call; and the miseries of the catholics were greatly aggravated. We shall close the history of the oath, with an account, I. Of a petition of eight priests confined in Newgate to Paul the fifth, for an explanation of his briefs respecting it: II. Of the opinion of several doctors of Sorbonne, in favour of the lawfulness of the oath; and of Bossuet's sentiments upon it: III. Mention will then be made of the final division of opinion of the roman-catholics respecting it: IV. And of the complete rejection, in the Declaration of the Gallican clergy in 1682, of the pope's deposing power.

## XXVIII. 1.

*The Petition of eight Priests confined in Newgate, to Paul the fifth, for an explanation of the Briefs.*

IN this afflicting situation, eight priests, imprisoned in Newgate, presented a petition to the pope,

describing their sufferings, in affecting terms ; and imploring his holiness, in the most religious and dutiful language, to commiserate their case ; and to specify those expressions in the oath, which were so substantially objectionable, as to make the taking of it unlawful. It does not appear that any answer was given to this application.

Many representations of the same nature were made to the pope, at different times, by several, both of the English clergy and laity, but without effect.

## XXVIII. 2.

1. *Opinion of several doctors of the Sorbonne in favour of the Oath.—Sentiments of Bossuet respecting it.*

THE advocates of the oath then laid it before the doctors of the Sorbonne ; and asked their opinion,—“ Whether roman-catholics could, conscientiously, “ take it ? ” Forty-eight doctors replied in the affirmative. The only clause, which seems to have occasioned any difficulty, was that, by which the party abjured, as “ *heretical*,” the position, that “ princes excommunicated, or deprived, by the “ pope, might be deposed, or murdered, by their “ subjects.”—The doctors propounded the sense, in which the party, who took the oath, was to understand this clause.—

But their opinion did not satisfy the adversaries of the oath. They insisted, that the bulls of Paul the fifth which forbid it to be taken, because it contained many things, openly contrary to faith and salvation,



must ever remain in force ;—that the clause, above cited, did not admit of the interpretation attached to it by the forty-eight doctors ;— that this interpretation proceeded on a distinction, above the capacity of the vulgar ;—and, perhaps, not admitted by the magistrate, who might tender the oath ;—and that six doctors of the faculty,—men, venerable for their age, and learning,—had objected to the oath, and declared, that it could not be taken conscientiously, by a catholic.

The briefs of Paul the fifth, were afterwards confirmed by pope Urban the eighth.

On any point of theology the opinion of Bossuet is important : we are happy to have it in our power, to present to our readers, his opinion on James's oath. In a letter, dated the 28th October 1682, (Ben. edit. vol. ix. p. 459), he says,—I understand, that the inquisition has condemned the “ sense, favourable to the independence of the “ temporal power of sovereigns, which some doctors of the faculty of theology of Paris, have “ given to the English oath. All will be lost by “ this haughtiness. It is not by these means, that “ the authority of the holy see will be re-established.”

He discusses the oath at length, in his *Defense de la Declaration du Clergé de France* \*. “ I “ hesitated long,” he says, “ whether I should “ speak of the disputes on the English oath respecting our question, because I knew that a “ consultation on the subject of the oath, which

\* Livre iv, c. 23.

“ James I., the king of England, exacted from  
“ his catholic subjects, had been put at Rome into  
“ the index, in 1683. We believe and say loudly,  
“ that, according to the antient right of the church  
“ of France, often confirmed in practice, these  
“ sorts of decrees do not bind us.”

Bossuet then proceeds to the bull of Paul III, by which he deposed Henry VIII. and absolved his subjects from their allegiance\*. “ In this  
“ bull,” says Bossuet, “ Paul commanded many  
“ things purely temporal, as well to the subjects of  
“ Henry, as to other christian princes,—and even  
“ to kings, whom he excepts only from his censures, without dispensing them from obeying  
“ him: still, no one, either in England or elsewhere, took the least step, by land or by sea,  
“ to put his orders into execution. The decree  
“ of Pius V., by exciting the English to revolt,  
“ could only have the effect of exposing or delivering them to a more certain death, without a  
“ pretence, or any solid ground, to the glory of  
“ martyrdom; as they would have been punished,  
“ not as catholics, but as rebels.

Bossuet then states the oath of James I. “ It  
“ is true,” he observes, “ that a clause, captious,  
“ and calculated to render the papal power odious,  
“ was inserted in this oath. Simple individuals  
“ were forced by it to condemn, as impious and  
“ heretical, the opinion maintained conscientiously,  
“ and as probable, by many persons of great merit;

\* Ante, vol. i. ch. xi, p. 102.

“ by many saints, and even by the popes themselves,—that the ecclesiastical power may depose kings, at least for the crime of heresy. Assuredly it was lawful for the English, after an attentive examination of the question, to reject, as we do, this opinion ; but it appeared extravagant and rash, to condemn it as heretical, without waiting for the judgment of the church.”

“ The pope, having reported the oath,—adds, ‘ You must perceive by the simple reading of the bull, that persons cannot take it, and pre-serve at the same time the purity of the catholic faith, and without exposing their souls to perdition, as it contains *many things* manifestly contrary to the faith, and to the salvation of souls.’ ”

“ The pope does not say, which are those things, manifestly contrary to the faith, and the salvation of souls. Many persons thought that the oath was only contrary to the faith and the salvation of souls, inasmuch as it condemned as heretical, a proposition, which the church has not declared to be such. But, (to express my opinion with the sincerity and freedom which becomes a christian bishop), I believe that the court of Rome was very glad to employ vague terms, and not to explain itself, from a fear of being forced to confess that the proposition, though it did not deserve the qualification of heretical, might be censured with more measured expressions. Do not say that Paul V. has raised to a dogma of faith, the opinion that popes may depose kings.

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“ It is not, in this form, and with this ambiguity  
“ of expression, that dogmas are established. For,  
“ notwithstanding this bull, several English were  
“ accused of a false conspiracy against the king,  
“ and condemned to death in 1678, and 1681 ;  
“ and these, in the moment of losing their lives,  
“ declared that they acknowledged, with all their  
“ heart, Charles II. for their true and legitimate  
“ king, who could not be deposed by any power ;  
“ that they considered their opinion as certain and  
“ indubitable, and that they never should depart  
“ from it. They avoid to treat the opinion, which  
“ attributes to the ecclesiastical power the right  
“ to depose sovereigns as heretical, because the  
“ catholic church, to whose authority they were  
“ invariably attached, had not condemned it. This,  
“ Richard Langhorne, a celebrated lawyer, de-  
“ clared at his death, in the most clear and pre-  
“ cise terms, as well as lord Stafford : and one  
“ cannot doubt, that these great men had these  
“ sentiments in the bottom of their hearts, since  
“ on the instant when they were ready to receive  
“ the crown of martyrdom, they declared them  
“ publicly.

“ The bull of Paul III. against Hen. VIII.,  
“ and that of Pius V. against Elizabeth, were  
“ waste paper, despised by the heretics, and, in  
“ truth, by the catholics, as far as their decisions  
“ affected the temporal rights of the sovereigns.  
“ Treaties, alliances, commerce, every thing, in a  
“ word, went on as before ; and the popes knew  
“ this would happen : still, the court of Rome,



“ though aware of the inutility of its decrees, would  
 “ publish them, with the view of acquiring a chi-  
 “ merical title. The heretics took advantage of  
 “ them, and the catholics suffered much by them,  
 “ as occasion was taken from them to persecute  
 “ them, not as catholics, but as public enemies,—  
 “ as men, ever disposed, when the pope should  
 “ order, to revolt against the king.

——— “ Let catholic divines, to the utmost of  
 “ their power, excuse the popes, as we have done  
 “ or endeavoured to do : but if they are compelled  
 “ to blame some, who, in other respects, have  
 “ laboured with success for the clergy and the  
 “ advantage of the church, but who unfortunately  
 “ have, though with good intentions, engaged in  
 “ affairs, that did not regard them,—let them not  
 “ believe that, in allowing them faults, they dis-  
 “ honour the holy see ; let them believe, that all  
 “ this turns to the glory of the church, and of  
 “ God who protects her.”

### XXVHI. 3.

#### *Final division of opinion on the Oath.*

Still, at the period to which the present pages relate, the discussion of the oath was continued. By several, both of the clergy and of the laity, it was taken. “ Some priests, and some of the reli-  
 “ gious,” says cardinal Bentivoglio, in the extract already cited, from the answer to the Memoirs of Panzani, “ admitted the oath ; and, deviating still

“ more from the right path, endeavoured to maintain, that it was not repugnant to the catholic faith. But, the number of these priests is very small ; and besides, they are the least zealous, and the least valued for learning and virtue. All the rest of the clergy have shown the greatest steadiness in opposing the oath ; and the same must be said of all the regulars in general. Many of each description, contemning a thousand dangers, and even death itself, have publicly confuted it, with great strength of learning, and intrepidity of mind ; and have thereby acquired singular merit with the whole church, and the highest veneration among the catholics of that kingdom.” But, it should not be unobserved, that cardinal Bentivoglio saw, with very ultramontane eyes ; and would, therefore, be disposed to think unfavourably of all, who rejected the papal pretension to temporal power.

A letter written, in 1681, by the chapter of the English catholic clergy to cardinal Howard, stated that, “ more of the nobility, gentry and commonalty had actually taken it, or seemed resolved to “ take it :” and desired his eminence to oppose an attempt, then supposed to be making at Rome, to procure a censure of those who took it. His opposition succeeded, and no such censure found its way to England.

## XXVIII. 4.

*Complete rejection, (now adopted by the universal catholic church),—of the pope's deposing power, in the declaration of the Gallican church, in 1682.*

*Magna est veritas,—et prævalebit.*

SEVENTY-FIVE years after the date of the last of the briefs of Paul V, the assembly of the Gallican clergy, in 1682, subscribed their celebrated declaration respecting the civil, and temporal powers.—It consisted of four articles:—

By the first, they resolved, that “the power  
“ which Jesus Christ had given to St. Peter, and  
“ his successors, related only to spiritual things;  
“ and to those, which concern salvation, and not  
“ to things civil, and temporal; so that, in tem-  
“ porals, kings and princes, are not subject to the  
“ ecclesiastical power; and cannot directly, or in-  
“ directly, be deposed by the power of the keys, or  
“ their subjects discharged by it, from the obedi-  
“ ence which they owe to their sovereign; or from  
“ their oaths of allegiance.”

The three other articles are contested by some catholic divines: but, from the first, there is not now, either among the laity, or the clergy,—with the slight exception of a few, a very few *aulici vaticani*,—a single dissentient voice. Even the present pope, in his negotiation with Napoleon, expressed his willingness to acquiesce in the subscription of it, by the clergy of France.—How

much then, is it to be lamented, that this better spirit did not animate the pontiffs, Paul III, Pius V, Gregory XIII, Sixtus V, Clement VIII, Paul V, Urban VIII, and, (as we shall afterwards see),—Innocent X, when they published those unhappy, and evil-bearing briefs, bulls, and decrees, mentioned in the series of these pages !

We have now brought the subject of them to the end of the reign of James I. \*

It has been said, that the severity, with which the penal laws were executed against the roman-catholics, in the reign of James, will, for ever, “prove his intolerance :”—It would have been more accurate to have said,—that they will for ever prove the cowardliness of his mind. From principle, James was tolerant ; but he frequently sacrificed his principles to the clamour of the populace ; and to the real, or affected fears of the parliamentary leaders. From an early part of his reign, may be dated the commencement of those political manœuvres, which persuaded the populace to believe, that the sovereign was a favourer of popery ; and which left him, as he often too readily believed, no means of repelling the charge, except that of causing the existing laws to be executed with new rigour ; or even of enacting others, still more severe and sanguinary. In the reign of James, as well as in the reigns of the two succeeding princes,

\* It is observable that James II., when he was duke of York, took the oath, and intimated a resolution to enforce it, when he should be king.



this stratagem was often practised ;—and it is melancholy to add,—that it was always practised successfully.

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## CHAP. XXIX.

### THE PURITANS.

WHILE the government of England was thus employed in devising and executing the severities, which have been related, against the catholics, a new denomination of christians had arisen in the bosom of the establishment, had derived strength from opposition, and, at the time, of which we are now speaking, was rapidly advancing to that power, which enabled them, at no very distant period, to triumph over their parent church, and even to overthrow the monarchy. The subject of these pages makes some mention of these necessary. A succinct account of their vicissitudes of fortune will connect, in some measure, the three histories—of the protestants of the established church,—of the protestant dissenters,—and of the roman-catholics of England. We shall, therefore, present the reader with a succinct account, I. Of the origin of the puritans: II. Of the points of discipline, in which there was a difference between them and the established church: III. Of their division into presbyterians,—independents,—and baptists: IV. Of the act of

uniformity: V. Of the court of high commission: VI. Of the conference at Hampton Court: VII. Of the legal establishment of the puritans by the long parliament: VIII. Of the act of conformity: IX. and of the act of toleration, in the reign of William III. The insertion of the two last articles will break into the chronological order, generally observed in these pages; but, they will occupy a very small space, and the anticipation will enable the writer to close, in this place, the subject of the present chapter.—X. It will conclude with a brief account of the religious persecutions, suffered and inflicted by the puritans.

## XXIX. 1.

*The origin of the Puritans.*

IT has been mentioned, that, in the reign of Henry the eighth, those, who favoured the reformation, were generally inclined to the Lutheran creed, discipline, and liturgy: that, in the reign of Edward the sixth, they generally inclined to the doctrine of Calvin; and that the change of religion, during the reign of queen Mary, and the consequences of that change, drove some of the most zealous of the English reformers into exile. Their number is supposed to have been about 800. Some settled in Switzerland; but the greater part at Frankfort, or its neighbourhood. Many preserved the form of worship of the English church; others preferred the Helvetian rites, on account of their greater simplicity. The former received the appellation of

Conformists; the latter, that of Non-conformists, or Puritans. These soon split into parties, and scandalised all the protestants of Germany by their quarrels. In the end, the conformists obtained the ascendancy.

The non-conformists, generally, adopted the doctrine, and discipline, of Calvin. On this account, they were disliked by the Lutherans, and the conduct of these, in their regard, was most uncharitable. They proceeded so far, (as we are informed by doctor Maclaine\*) as to call “the English martyrs, who, in the reign of queen Mary, had sealed the Reformation with their blood,—*“The devil’s martyrs.”*”

## XXIX. 2.

*The principal points in difference, between the Church of England, and the Puritans.*

FROM Mosheim,† we transcribe the following very accurate statement of this difference.

“The principles laid down by the commissioners of the queen’s high court of commission, on the one hand, and the *puritans* on the other, were very different.”

1. “For, in the *first place*, the former maintained, that the right of reformation,—that is,—the privilege of removing the corruptions, and of correcting the errors, that may have been intro-

\* Translation of Mosheim’s History, ed. 2, vol. iv. p. 87.

† Ib. cent. xvi. sec. 3, part 11.

“duced into the doctrine, discipline, or worship,  
“of the church, is lodged in the sovereign, or civil  
“magistrate alone; while the latter denied, that  
“the power of the magistrate extended so far, and  
“maintained, that it was rather the business of the  
“clergy to restore religion to its native dignity and  
“lustre. This was the opinion of CALVIN, as has  
“been already observed.”

2dly. “The *queen’s commissioners* maintained,  
“that the rule of proceeding, in reforming the  
“doctrine, or discipline, of the church, was not to  
“be derived from the sacred writings *alone*, but  
“also from the writings and decisions of the fathers,  
“in the primitive ages. The *puritans*, on the con-  
“trary, affirmed, that the inspired word of God,  
“being the pure and *only* fountain of wisdom and  
“truth, it was from thence *alone*, that the rules,  
“and directions, were to be drawn, which were to  
“guide the measures of those, who undertook to  
“purify the faith, or to rectify the discipline, and  
“worship, of the church; and that the ecclesiastical  
“institutions of the early ages, as also the writings  
“of the antient doctors, were absolutely destitute  
“of all sort of authority.”

3dly. “The *queen’s commissioners* ventured to  
“assert, that the church of *Rome* was a *true church*,  
“though corrupt, and erroneous, in many points of  
“doctrine and government; that the Roman pon-  
“tiff, though chargeable with temerity, and arro-  
“gance, in assuming to himself the title and  
“jurisdiction, of head of the whole church, was,  
“nevertheless to be esteemed a true and lawful



“ bishop ; and consequently, that the ministers,  
“ ordained by him, were qualified for performing  
“ the pastoral duties. This was a point, which the  
“ English bishops thought it absolutely necessary  
“ to maintain, since they could not, otherwise,  
“ claim the honour of deriving their dignities, in  
“ an uninterrupted line of succession from the apos-  
“ tles.—But, the puritans entertained very different  
“ notions of this matter ; they considered the Ro-  
“ mish hierarchy, as a system of political, and spi-  
“ ritual, tyranny, that had justly forfeited the title,  
“ and privileges, of a true church ; they looked  
“ upon its pontiff as *antichrist* ; and its discipline as  
“ vain, superstitious, idolatrous, and diametrically  
“ opposite to the injunctions of the gospel ; and, in  
“ consequence of this, they renounced its commu-  
“ nion, and regarded all approaches to its discipline,  
“ and worship, as highly dangerous to the cause  
“ of true religion.”

4thly. “ The court commissioners considered, as  
“ the best, and most perfect, form of ecclesiastical  
“ government, that, which took place, during the  
“ first four or five centuries ;—they even preferred  
“ it to that, which had been instituted by the apos-  
“ tles, because, as they alleged, our Saviour, and his  
“ apostles, had accommodated the form, mentioned  
“ in the scripture, to the feeble, and infant, state of  
“ the church ; and left it to the wisdom and discre-  
“ tion of future ages, to modify it, in such manner,  
“ as might be suitable to the triumphant progress of  
“ christianity, the grandeur of a national establish-  
“ ment, and also to the ends of civil policy. The

“ *puritans* asserted, in opposition to this, that the  
“ rules of church government were clearly laid  
“ down in the holy Scriptures, the only standard  
“ of spiritual discipline ; and that the apostles, in  
“ establishing the first christian church on the aris-  
“ tocratical plan, that was then observed in the  
“ Jewish sanhedrim, designed it, as an unchange-  
“ able model, to be followed, in all times, and in  
“ all places.”

5thly. “ The court reformers were of opinion,  
“ that things *indifferent*, which are neither com-  
“ manded, nor forbidden, by the authority of scrip-  
“ ture, such as the external rites of public worship ;  
“ the kind of vestments, that are to be used by the  
“ clergy ; religious festivals, and the like, might  
“ be ordered, determined, and rendered a matter  
“ of obligation, by the authority of the civil magis-  
“ trate ; and that, in such a case, the violation of  
“ his commands, would be no less criminal, than an  
“ act of rebellion against the laws of the state.—  
“ The *puritans* alleged, in answer to this assertion,  
“ that it was an indecent prostitution of power to  
“ impose, as *necessary*, and *indispensable*, those  
“ things, which CHRIST had left, in the class of  
“ matters *indifferent* ; since this was a manifest  
“ encroachment upon that *liberty*, with which the  
“ divine Saviour *had made us free*. To this, they  
“ added, that such rites, and ceremonies, as had  
“ been abused to idolatrous purposes, and had a  
“ manifest tendency to revive the impressions of  
“ superstition, and popery, in the minds of men,  
“ could by no means be considered as *indifferent*,

“ but deserved to be rejected, without hesitation,  
“ as impious and profane. Such, in their estima-  
“ tion, were the religious ceremonies of ancient  
“ times, whose abrogation was refused by the queen,  
“ and her council.”

### XXIX. 3.

*Division of the English Puritans into Presbyterians,  
Independents, and Baptists.*

1. SUCH were the tenets of the original puritans: the *Presbyterians* are usually considered as their legitimate descendents.

2. *The Independents* sprang from the Brownists, the most distinguished of the sects, into which the puritans divided. Brown, the founder of this denomination of puritans, was a man of talent. His aim was, to model his party into the form of the christian church, in its infant state. Being dissatisfied with the treatment, which he received in England, he retired to the continent; and founded churches in Middleburgh, Amsterdam, and Leyden. Thus abandoned by him, his English followers mitigated the extreme simplicity of his plan, in its leading feature—that each congregation is itself a separate, and independent church, acknowledging no superiority, or right of interference, in any man, or in any body of men. This gave them the name of Independents, or of congregation-brethren. A fuller account of them may be seen, in the writer's *Confessions of faith*, ch. 12.

3. In the same work may be found a succinct account of *the Baptists*. It is too long for insertion in this place; but cannot, it is apprehended, be very much abridged. For the present purpose, it is sufficient to say, that, in their discipline and worship, as well as in the independency of their particular congregations, they very nearly resemble the independents; but differ from them in the administration of baptism. It is observable, that this denomination of christians,—now very respectable, but in their origin, little intellectual,—first propagated the principles of religious liberty.

The separation of the puritans from the church of England began with the act of uniformity; but was not discernible, till the year 1566,—the period assigned for it by Neale, in his *History of the Puritans*, *ch. iv.* Some writers, term this,—the first separation: The second, they say, took place, soon after the assembly of the clergy was convened at Lambeth, by the order of James I, in 1604.

The principal cause assigned for these separations, was, the use of certain ceremonies, still practised by the ministers of the established church; particularly the retention of the surplice. In proportion, as the controversy grew warm, more importance was annexed to these circumstances. Cartwright, and his brethren, admitted them to be indifferent, in substance; though, on many accounts, seriously objectionable: At the time of the second separation, they were pronounced to be unlawful; and neither to be imposed, nor endured.



## XXIX. 4.

*The Act of Uniformity.*

ON the accession of queen Elizabeth, the greater part of the exiles returned to their native country. Their distinction, into conformists, and non-conformists, followed them, on their return; and the liberty, which they then enjoyed, rather increased, than diminished, their animosities. A temporary peace was, however, signed; and letters of mutual forgiveness passed between the leaders of the contending parties. It has been mentioned, that queen Elizabeth wished the national creed and discipline to be as comprehensive as possible; but, being once established, she determinately resolved, that all should conform to it. With this view, the act of uniformity, (1 Eliz. ch. 2.), was passed. It enjoined, as we have already shortly stated, that all ministers of the church should use the book of common prayer, authorised by the statute of the 5th, and 6th years of Edward the sixth, with the addition of certain lessons, to be used, on every Sunday, and holiday, in the year; and with an alteration in the form of the litany; and the insertion of two sentences in the delivery of the sacrament to the communicants. All persons were enjoined to attend divine service, at their parish church; or at some accustomed chapel, on every Sunday, and also on every other day prescribed by law, under the penalty of one shilling for each absence. This statute was generally called the Act of Uniformity.

## XXIX. 5.

*The Court of High Commission.*

MENTION has been already made of the statutes, which, in the first year of the reign of queen Elizabeth, conferred upon her the spiritual supremacy of the church of England. A clause, inserted in that statute, was attended with the most serious effects; and, in the reign of her second successor, convulsed, both the church, and the state to their centres. It empowered, “the queen, and her successors, to appoint commissioners, to exercise any manner of spiritual, or ecclesiastical, jurisdiction, in England, or Ireland; to visit, reform, redress, order, correct and amend all heresies, schisms, contempts, offences, and enormities whatsoever:”—With a proviso, that they “should determine nothing to be heresy, but what had been adjudged to be so, by the canonical scripture, or by the first four general councils, or any other general council, wherein the same had been declared heresy, by the express, and plain, words of scripture; or such as should, thereafter, be declared to be heresy, by the high court of parliament, with the consent of the clergy in convocation.”

Agreeing in little else, Hume\*, and Neale†, perfectly accord in their accounts of the unconstitutional

\* History of England, c. 41.

† History of the Puritans, vol. i. p. 10.

and arbitrary rules of this tribunal ; and of the enormity of its proceedings. By the former, they are described in the following words :

“ The first primate after the queen’s accession,  
“ was Parker ; a man, rigid in exacting conformity  
“ to the established worship, and in punishing, by  
“ fine, or deprivation, all the puritanical clergymen,  
“ who attempted to innovate any thing in the  
“ habits, ceremonies, or liturgy of the church. He  
“ died, in 1575 ; and was succeeded by Grindall,  
“ who, as he himself was inclined to the new sect,  
“ was, with great difficulty, brought to execute the  
“ laws against them, or to punish the non-conform-  
“ ing clergy. He declined obeying the queen’s  
“ orders for the suppression of *prophesyings*, or  
“ the assemblies of the zealots, in private houses,  
“ which, she apprehended, had become so many  
“ academies of fanaticism ; and, for this offence,  
“ she had, by an order of the star-chamber, seques-  
“ tered him from his archiepiscopal function, and  
“ confined him to his own house. Upon his death,  
“ which happened in 1583, she determined not to  
“ fall into the same error in her next choice ; and  
“ she named Whitgift, a zealous churchman, who  
“ had already signalized his pen in controversy, and  
“ who, having in vain attempted to convince the  
“ puritans by argument, was now resolved to open  
“ their eyes by power, and by the execution of  
“ penal statutes. He informed the queen, that all  
“ the spiritual authority, lodged in the prelates, was  
“ insignificant, without the sanction of the crown ;  
“ and, as there was no ecclesiastical commission, at

“ that time, in force, he engaged her to issue a new  
“ one, more arbitrary than any of the former ; and  
“ conveying more unlimited authority. She ap-  
“ pointed forty-four commissioners, twelve of whom  
“ were ecclesiastics ; three commissioners made a  
“ quorum ; the jurisdiction of the court extended  
“ over the whole kingdom, and over all orders of  
“ men ; and every circumstance of its authority,  
“ and all its methods of proceeding, were contrary  
“ to the clearest principles of law, and natural  
“ equity. The commissioners were empowered to  
“ visit, and reform, all errors, heresies, schisms, in  
“ a word to regulate all opinions, as well as to  
“ punish all breach of uniformity in the exercise of  
“ public worship. They were directed to make  
“ inquiry, not only by the legal method of juries,  
“ and witnesses, but by all other means and ways,  
“ which they could devise ; that is, by the rack, by  
“ torture, by inquisition, by imprisonment. Where  
“ they found reason to suspect any person, they  
“ might administer to him an oath, called *ex officio* ;  
“ by which he was bound to answer all questions,  
“ and might thereby be obliged to accuse himself,  
“ or his most intimate friend. The fines, which  
“ they levied, were discretionary, and often occa-  
“ sioned the total ruin of the offender, contrary to  
“ the established laws of the kingdom. The im-  
“ prisonment, to which they condemned any de-  
“ linquent, was limited by no rule, but their own  
“ pleasure. They assumed a power of imposing  
“ on the clergy, what new articles of subscription,  
“ and consequently of faith, they thought proper.



“ Though all other spiritual courts were subject,  
“ since the reformation, to inhibitions from the  
“ supreme courts of law, the ecclesiastical commis-  
“ sioners were exempted from that legal jurisdic-  
“ tion, and were liable to no control. And the  
“ more to enlarge their authority, they were em-  
“ powered to punish all incests, adulteries, fornica-  
“ tions ; all outrages, misbehaviours, and disorders  
“ in marriage : and the punishments, which they  
“ might inflict, were according to their wisdom,  
“ conscience, and discretion. In a word, this court  
“ was a *real inquisition* ; attended with all the  
“ iniquities, as well as cruelties, inseparable from  
“ that tribunal. And, as the jurisdiction of the  
“ ecclesiastical court was destructive of all law, so  
“ its erection was deemed by many a mere usurpa-  
“ tion of this imperious princess ; and had no other  
“ foundation than a clause of a statute, restoring  
“ the supremacy to the crown, and empowering the  
“ sovereign to appoint commissioners for exercising  
“ that prerogative. But, prerogative in general,  
“ especially the supremacy, was supposed, in that  
“ age, to involve powers, which no law, precedent,  
“ or reason, could limit, and determine.”

## XXIX. 6.

*The Conference at Hampton Court.*

DURING the whole of the reign of Elizabeth, the contest between the established church and the puritans, was on the increase ; and many wholesome severities, to use the language of persecution,

were inflicted on the puritans.—At first, they seemed to be favoured by her successor. He expressed a laudable desire to accommodate matters between the contending parties. With this view, he appointed the conference at Hampton Court. It was attended by nine bishops, and as many dignitaries, on the one side ; and by four puritans, on the other. James himself took a great part in it : and had the satisfaction to hear from Whitgift, the archbishop of Canterbury, that, “ undoubtedly his “ majesty spoke by the special assistance of God’s “ spirit ;” and, from Bancroft, the bishop of London, that “ the Almighty, of his singular mercy, “ had given such a king, as from Christ’s time, “ there had not been.” “ Whereupon,” says Strype \*, “ the lords, with one voice, yielded a “ very affectionate acclamation.” His majesty was highly delighted with his own display of talent, at this extraordinary exhibition. In a letter preserved by Strype, (N. XLVI), the royal theologian writes to one of his friends, that “ he had kept a revel “ with the puritans, for two days, the like of which “ was never seen ; and that he had peppered them, “ as he, (to whom he was writing,) had done the “ papists : and that he was forced to say, at last, “ that, if any of them had been in a college, disputing with other scholars, and that any of their “ disciples had answered them, in that sort, they “ themselves would have snatched him up, in place “ of a reply, with a rod.”

\* Life and Acts of Archbishop Whitgift, book iv. cxxxi.

## XXIX. 7.

*The legal establishment of the Puritans by the long Parliament.*

THIS event is shortly related by Mosheim, in the following terms\*: “ After the death of Laud, “ the dissentions, that had reigned for a long time, “ between the king and parliament, grew still “ more violent; and arose, at length, to so great a “ height, that they could not be extinguished, but “ by the blood of that excellent prince. The great “ council of the nation, heated by the violent “ suggestions of the puritans and independents, “ abolished episcopal government; and abrogated “ every thing in the ecclesiastical establishment, “ that was contrary to the doctrine, worship, and “ discipline, of the church of Geneva; turned the “ vehemence of the opposition against the king “ himself; and, having brought him into their “ power by the fate of arms, accused him of treason “ against the majesty of the nation; and, in 1648, “ while the eyes of Europe were fixed on the strange “ spectacle, caused his head to be struck off, on a “ public scaffold.”

While the long parliament continued, the presbyterians maintained the ascendancy. In a great measure, they lost it, when Cromwell usurped the government. Under him, all denominations of christians, except the catholics and episcopalians,

\* Cent. xvii. sect. ii, part ii. 20.

enjoyed full, and unbounded, liberty of conscience ; and professed publicly, their religious doctrines. The presbyterians, and independents, were the favoured communions ; and, at first, had equal favour shown them. But, the protector's jealousy of the influence of the former, procured, by degrees, for the latter, a preponderance in his regard.

## XXIX. 8.

*The Act of Conformity.*

No sooner,—to adopt generally the language of Mosheim, on this subject,—was Charles the second, re-established on the throne of his ancestors, than the antient forms of ecclesiastical government, and public worship, were re-established with him. The church of England was completely restored to her former honours. The puritans had hoped, that they should be allowed to share some part of the revenues of the church ; but, contrary to their hopes, and to the monarch's solemn declarations at Breda, they were miserably disappointed. In 1662, the act of conformity was passed. In consequence of it, the validity of presbyterian ordination was denounced ; the terms of conformity were raised higher, and rendered more difficult, than they were, before the civil war ; and the non-conforming ministers were deprived of their livings. It is observable that, in the reign of Elizabeth, the deprived ministers were allowed one-fifth of their benefices ; but, the statute of Charles made no provision for them.



## XXIX. 9.

*The Act of Toleration.*

IN this melancholy state of depression, the puritans remained, till the Revolution. Their affairs then took a more favourable turn. In 1689, the bill for the toleration of all protestant dissenters, from the church of England, passed in parliament, almost without opposition, and completely delivered them from the penal laws, to which they had been subject, by the act of conformity.

## XXIX. 10.

*Persecutions suffered and inflicted by the Puritans.*

“IT is,” said Mosheim, “an observation often made, that all religious sects, when they are kept under and oppressed, are remarkable for inculcating the duties of moderation, forbearance, and charity towards those, who dissent from them; but that, as soon as the scenes of persecution are removed, and they, in their turn arrive at power and pre-eminence, they forget their own precepts and maxims; and leave, both the recommendation and practice of charity to those, that groan under their yoke.” The events, which form the subject of the present pages, too well exemplify the truth of this observation.

The presbyterians, no sooner obtained the legal ascendancy, under the provisions of the long par-

liament, than they imposed, with the same rigour, as their predecessors had done, their own creeds and confessions ; and invested their magistrates with the same power of punishing with temporal pains and penalties, dissenters from their establishments. Of the persecutions suffered, and inflicted, by the puritans, Robinson, in his *History of the Persecutions of Christians*, gives the following extraordinary account.

“ On the death of queen Mary, Elizabeth succeeded to the throne. Elizabeth, being a protestant, and being likewise taught by suffering, under the reign of her sister,—the protestants blessed themselves, that now their cause was established ; and every friend of mankind hoped persecution would now cease. A church, calling itself protestant, was, indeed, established ; but, this queen imitated her father, in persecuting both protestants, and papists. Elizabeth was a princess of most arbitrary principles, and character ; ambition was her ruling passion, and he, who contradicted her,—died. The protestant bishops were continually employed in preaching in favour of arbitrary power ; and persecuting all, who dissented, either from their political, or theological, creed. If any one wrote any thing against arbitrary power, either in church or state, he was immediately condemned, and put to death, as an author of seditious publications, against which, convenient laws were enacted, to please the queen and the priests. If any one refused to conform to the least ceremony in worship, he

“ was cast into prison, where, for this offence, many  
“ of the most excellent men in the land perished.”

“ Two protestants of the anabaptist faith, this  
“ accomplished queen burnt, for heresy ; and many  
“ more of the same denomination, she banished,  
“ for the same crime. She also put two heretics to  
“ death, who had adopted the faith of Brown, the  
“ father of the independents ; and, a little before  
“ this, she butchered some papists for their ancient  
“ heresy. The archbishops, Parker, and Whitgift,  
“ are “ damned to eternal fame,” for the brutal  
“ part, they took in this cruel carnage. Indeed,  
“ the whole reign of Elizabeth, though distinguished  
“ by the political prosperity of England, as far as  
“ great fame, and good fortune abroad can be called  
“ prosperity, is nothing but a series of arbitrary,  
“ and flagitious conduct, pointing to the destruc-  
“ tion of all liberty, civil and religious, and full of  
“ murder for religious opinions. Elizabeth herself  
“ had no religion ; but was openly profane, and  
“ addicted to common cursing and swearing. With-  
“ out the weakness of Mary, she had Mary’s heart,  
“ thirsting for human blood.”

“ James the first succeeded Elizabeth on the  
“ throne of England ; and united the two kingdoms  
“ of England and Scotland. Educated a presbyte-  
“ rian, the friends of Reformation expected, at  
“ once, a cessation of persecution, and the protec-  
“ tion and countenance of the young king. In  
“ both, they were grievously disappointed. The  
“ protestant churches of England and Scotland  
“ had laid down *persecution*, as the *mark*, and

“ *evidence*, of a *false church* ; but, if their mark were  
“ a *just* one, neither of them merited the honour-  
“ able appellation of a true church. When James  
“ ascended the throne, his first concern appears to  
“ have been the maintenance of his prerogative,  
“ and the extension of his power. He eagerly  
“ looked around him for those, who were best in-  
“ clined to secure him these advantages. Experi-  
“ ence had taught him, that the rough manners of  
“ the presbyterian clergy showed them to be ill  
“ adapted to this purpose. They had too often  
“ been to him the instruments of restraint ; and  
“ had shown too little disposition to flatter his  
“ vanity, or assert the omnipotence of his power.  
“ In the English clergy, and especially the bishops,  
“ he found men every way fitted for his purpose.  
“ *Every tyrant is, in his turn, a sycophant ; and*  
“ *every sycophant, is, in his turn, a tyrant,—*  
“ is a maxim founded on experience ; and James  
“ perceived, that those, whose pleasure was the  
“ burning of others, would conform to any thing  
“ to please him, from whom they derived their  
“ power. His standing maxim soon was, “ no  
“ bishop, *no king* ;” for, he found no other men,  
“ whose endeavours were equally to be depended  
“ upon in securing unlimited obedience in the peo-  
“ ple, and asserting *unlimited authority in the*  
“ *prince*. To bribe their exertions in favour of  
“ despotism, he published edicts, full of the old  
“ spirit of persecution. Bancroft, the pious bishop,  
“ was at once his adviser, and agent. The king  
“ published a proclamation, commanding all



“ protestants to *conform strictly, and without any*  
“ *exception*, to all, and singular, the rites and cere-  
“ monies of the church of England ; and granted  
“ indulgence to tender consciences to none, but  
“ roman-catholics, of all his numerous subjects in  
“ England.”

“ The spirit of this proclamation was directed by  
“ Bancroft to the heads of thousands of protestant  
“ non-conformists. Above five hundred clergy were  
“ immediately silenced, or deprived, for not com-  
“ plying with some slight ceremonies. Some were  
“ excommunicated ; and some banished the country.  
“ Every means was used to distress dissenters. They  
“ were deprived, censured, fined in the Star-cham-  
“ ber ; and used in the most violent and arbitrary  
“ manner. Worn out with endless vexations, and  
“ unceasing persecutions, many retired to Holland ;  
“ and, from thence, to America, seeking amongst  
“ untutored savages, and roaring wild beasts, that  
“ mercy, they were denied by protestant bishops,  
“ and priests, in their native land. Amongst the  
“ most illustrious of these fugitives was Mr. Ro-  
“ binson, the father of the independents in Ame-  
“ rica.—James, dreading the consequence of such  
“ numerous emigrations, prohibited them ; but  
“ without effect. It is witnessed, by a most judi-  
“ cious historian, that in this, and some following  
“ reigns, twenty-two thousand persons were banished  
“ from England by persecution, to America.”

“ To stifle the spirit of inquiry, hostile, at all  
“ times, to arbitrary power, in church and state,  
“ and to promote universal thoughtlessness, and

“ ignorance, James published the book of sports,  
“ to be read in churches, which, on their refusing  
“ to comply with the requisition to read it, was  
“ the means of depriving and silencing all the clergy  
“ of honour, and conscience in the nation.”

“ When Charles the first ascended the throne, he  
“ early discovered very arbitrary principles of go-  
“ vernment ; and, agreeable to the schemes of such  
“ as have ever attempted to enslave mankind, he  
“ flattered the priesthood, in their most daring  
“ usurpations. It is an observation of the authors  
“ of the Independent Whig, that where there are  
“ no dissenters from the established worship, there  
“ exists not a freeman in the nation. This is an  
“ observation, founded on the experience of ages,  
“ that the power of the clergy is the death-warrant  
“ of liberty. Charles soon discovered his whole  
“ heart by marrying a roman-catholic, and placing  
“ the infamous Laud at the head of both state, and  
“ church. Laud was another Thomas á Becket;  
“ and had powers equally formidable, being arch-  
“ bishop of Canterbury, and the first man in the  
state. He, indeed, lived in times, not quite so  
“ benighted ; yet ignorance, bigotry, and super-  
“ stition, were even yet almost universal. A proof  
“ of this may be found in the conduct of the better  
“ sort of priests in Ireland, in this reign. A num-  
“ ber of pious bishops, with the famous archbishop  
“ Usher at their head, published a protest against  
“ the toleration of roman-catholics, not on account  
“ of their political principles being supposed dan-  
“ gerous, but because they did not *dare* to concur

“ in the toleration of catholics, lest *they* (the pro-  
“ testant bishops!), should be involved in the *sin of*  
“ *idolatry*. Here are men, prepared to extermi-  
“ nate the human race, because they do not adopt  
“ *their* creed; and piously acknowledge *their in-*  
“ *fallibility*!—Laud pushed the great business of  
“ persecution to its utmost bounds; and gave the  
“ nation more exercise in this way, than it was in-  
“ clined to suffer. Numbers, torn to pieces by this  
“ protestant bishop, in their families and property  
“ fled to America; and founded the settlement  
“ of Massachusetts Bay. They were the fathers  
“ of the first assertors of liberty, in the last war.”

“ A. D. 1630, the learned Dr. Leighton wrote a  
“ book against the hierarchy; and felt, to his cost,  
“ that his good mother was inclined to chastise as  
“ much as to cherish her offspring; when they  
“ called in question her high authority.—He was  
“ sentenced in the high commission, in a fine of  
“ ten thousand pounds, perpetual imprisonment,  
“ and whipping. 1st. He was whipped; and then  
“ placed in the pillory. 2dly. One of his ears cut  
“ off. 3dly. One side of his nose slit. 4thly.  
“ Branded on the cheek with a red hot iron, with  
“ the letters S. S.: whipped, a second time, and  
“ placed in the pillory; about a fortnight after-  
“ wards, his sores being yet uncured, he had the  
“ other ear cut off; the other side of his nose slit;  
“ and the other cheek branded. He continued in  
“ prison, till the long parliament set him at liberty.  
“ Archbishop Laud had the honour of conducting  
“ this prosecution.”

The singular feature of the persecutions, thus inflicted by the protestants of the establishment on the puritans, is, (to use the expression of Neal\*,) that, “in point of faith, there was no substantial difference in doctrine, between the church of England, and the puritans; so that these were turned out of the church, for things, which their adversaries acknowledged to be of mere indifference; whereas the puritans took it in their consciences, and were ready to aver, in the most solemn manner, that they deemed them unlawful.” —Incredible as it may appear, the point which principally occasioned this animosity was, *the habits*,—that is, *the dress*,—particularly the surplice,—of the clergy.

But, no sooner were the presbyterians possessed of the power of the state, than in their turn they became persecutors.

“In 1643, the long parliament,” continues Mr. Robinson, “interdicted the freedom of the press; and appointed licensers of the press—a singular introduction this,—to the establishment of the liberty, they promised.

“In 1645, an ordinance was published, subjecting all, who preached, or wrote, against the presbyterian directory for public worship, to a fine, not exceeding fifty pounds; and imprisonment, for a year, for the third offence, in using the episcopal book of common prayer, even in a private family.—Such was the spirit of presbyterian toleration!

\* Ch. iv.



“ The following year, when the king had sur-  
“ rendered to the Scots, the presbyterians applied  
“ to parliament, pressing them to enforce *unifor-*  
“ *mity in religion*; and to extirpate popery, pre-  
“ lacy, heresy, schism, agreeably to the solemn  
“ league and covenant; and to establish presbyte-  
“ rianism, by abolishing all separate congregations,  
“ and preventing any, but presbyterians, from all  
“ offices under government. A resolution of greater  
“ folly, madness, and persecution, was never formed  
“ by any fanatics, which have disgraced the world.  
“ The parliament did not approve of this madness;  
“ and the independents, (a sect, which first asserted  
“ general toleration), opposed it, with becoming  
“ spirit.”

“ Those infallible teachers, the London presby-  
“ terian ministers, and the ministers in Gloucester-  
“ shire, published their protest, and testimony,  
“ against all errors; and especially that greatest of  
“ all errors, *toleration*. They seem to be at a loss  
“ for words to express their deep abhorrence of the  
“ damnable heresy, called toleration, or an indul-  
“ gence to tender consciences.” They call it,  
“ the error of toleration, patronizing, and promot-  
“ ing, all other errors, heresies, and blasphemies,  
“ whatsoever, under the grossly-abused notion of  
“ liberty of conscience. These wise gentlemen  
“ needed no liberty of conscience:—they were  
“ right;—others were blasphemous heretics, to be  
“ damned, for their pleasure hereafter; and who  
“ ought to have been burnt, for their satisfaction,  
“ and delight, here.”

“ On the 2d of May 1648, the English parliament, being ruled by the presbyterians, published an ordinance against heresy, as follows, viz. “ That all persons, who shall maintain, publish, or defend, by preaching, or writing, the following heresies, with obstinacy, shall upon complaint, or proof by the oath of two witnesses, before two justices of the peace, or confession of the party, be committed to prison, without bail, or mainprize, till the next gaol delivery; and in case the indictment shall be found, and the party, on his trial, shall not abjure his said errors, and his defence and maintenance of the same, *he shall suffer the pains of death*, as in case of felony without benefit of clergy; and if he recant or abjure, he shall remain in prison, till he find securities, that he will not maintain the said heresies, or errors, any more; but, if he relapse, and be convicted, a second time, he shall *suffer death*.”

Such were the offences of each party against the sacred duty of religious toleration. Much has been said, and is still daily said, of the persecuting spirit of the catholics.—That they have been frequently guilty of persecution, must be acknowledged:—But, is the spirit of persecution less discernible, in the instances, which Robinson has enumerated, and which we have just cited from him?

It is not a little remarkable, that, while the puritans were suffering under these laws, and filling the world with their just complaints against them, they were, by an unaccountable inconsistency, uniformly clamorous for the execution of the laws

against the catholics; and for fresh enactments against them. They also repeatedly forced, both the first James, and the first Charles against their own views of policy, and their own natural dispositions, into the most sanguinary measures. The fact was, that the doctrines of toleration were neither understood, nor felt, by any party. All were equally guilty. Men, otherwise most humane, and charitable,—many of them learned, and in other respects, enlightened in the highest degree, were the warm advocates of persecution.

A fairer, a more learned, or a more honourable, name than that of archbishop Usher, the church of England cannot produce :—yet, did this venerable man, with a file of musketeers, enter the catholic chapel, in Cork-street Dublin, during the celebration of divine service; seize the priest, in his vestments; and hew down the crucifix :—Yet, did this venerable man, with eleven other Irish prelates, sign, what is termed, “ *the judgment of diverse of the archbishops, and bishops of Ireland, on the toleration of religion,* ”—and declare by it, “ that the religion of the papists was superstitious, and idolatrous; their faith and doctrine erroneous, and heretical; their church, in respect to both, apostatical: that, to give them, therefore, a toleration, or, to consent, that they may freely exercise their religion, is a grievous sin.”—It is observable too,\* that the circumstance, we have just

\* See Mr. Plowden’s Historical Review of the State of Ireland, vol. i. ch. iv.

mentioned, took place, at a time, when Charles the first was in his greatest distress; and the catholics of Ireland were straining every nerve to serve him.—Surely, the archbishop must have forgotten the just rebuke, which, not long before this time, himself had given, to a clergyman for a want of charity.—Being wrecked, on a desolate part of the Irish coast, he applied to a clergyman for relief; and stated, without mentioning his name, or rank, his own sacred profession. The clergyman rudely questioned it, and told him peevishly, that “he doubted, whether he knew the number of “the commandments.”—“Indeed I do,” replied “the archbishop, mildly, “there are eleven.” “Eleven!” said the clergyman,—“tell me the “eleventh; and I will assist you.”—“Obey the eleventh,” said the archbishop, “and you certainly “will.—A new commandment I give unto you,—“that ye love one another.”

It is pleasing, however, to add, that, while Usher declared against toleration in Ireland, doctor Jeremy Taylor advocated it in England, in his “Discourse on the Liberty of Prophesying,”—an immortal work; abounding in passages of the closest reasoning; and strains of eloquence seldom equalled. It was published in 1647; and, therefore, long preceded the liberal treatise of Grotius *de Jure summorum principum circa sacra*, published in 1661: Bayle’s *Commentaire Philosophique, sur ces paroles de Jesus Christ, contraindez les d’entrer*,” first published in 1686; and Locke’s *six letters upon toleration*, the first of which appeared, in 1689.—



By preceding these, doctor Taylor has conferred on his country the honour of having produced the first regular treatise on toleration. Long, however, before this time, its existence, in Utopia, had been supposed by sir Thomas More :—and long before Utopia was imagined, St. Martin of Tours had refused to communicate with the persecutors of the Priscillianists, on account of their religious intolerance ; and long before Tours was edified by the virtues of St. Martin, the Son of Man had rebuked the sons of Zebedee for wishing that a shower of fire might descend on the incredulous Samaritans.

A new edition of doctor Taylor's *Liberty of Prophesying* has been recently published. The work concludes with the following apologue ; it would be well that every child should learn it by heart :—  
“ When Abraham sat at his tent-door, according  
“ to his custom, waiting to entertain strangers, he  
“ espied an old man, stooping, and leaning on his  
“ staffe, weary with age and travell, coming towards  
“ him,—who was an hundred years of age ; he re-  
“ ceived him kindly, washed his feet, provided  
“ supper, caused him to sit down ; but, observing,  
“ that the old man eat, and prayed not, nor begged  
“ for a blessing on his meal, asked him, why he  
“ did not worship the God of heaven ? The old  
“ man told him, that he worshiped the fire only,  
“ and acknowledged no other god : at which an-  
“ swer, *Abraham* grew so zealously angry, that he  
“ thrust the old man out of his tent, and exposed  
“ him to all the evils of the night, and an unguarded  
“ condition. When the old man was gone, God

“ called to *Abraham*, and asked him, where the  
“ stranger was : he replied, “ I thrust him out,  
“ because he did not worship thee ;” God answered  
“ him, ‘ I have suffered him, these hundred years,  
“ although he dishonoured me ; and couldst not  
“ thou endure him one night, when he gave thee  
“ no trouble ?’ Upon this, saith the story, *Abraham*  
“ fetched him back again ; and gave him hospitable  
“ entertainment, and wise instruction.—*Go thou*  
“ *and do likewise*; and thy charity will be rewarded  
“ by the God of *Abraham* !”

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## A P P E N D I X.

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*The following NOTES belong to the SECOND VOLUME, and it contains references to them, in the proper places; but, as the insertion of them in that volume would swell it to an undue size, it has been judged advisable to introduce them in this place.*

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NOTE I : referred to in page 40 of Vol. II.

*“ Roman Catholic Principles, in reference to God and the King.”*

**L**ORD STAFFORD referred to this Tract on his memorable trial in 1680. In the following year, appeared “*Stafford’s Memoirs, or a brief and impartial account of the trial, principles, and final end of William late Lord Stafford.*”—In a folio edition of this work, they are found in page 47.

An edition of them had therefore appeared in the year 1680, at the latest. Six editions of them were published by Mr. Gother in 1685 and 1686.

Not fewer than twenty-four other editions of them have been discovered. A partial edition of them was published in 1749, in his *Catechism for the adult*, by the rev. John Hornyold, a distinguished member of the singularly beloved and revered roman-catholic family of that name, at Blackmore Park, in Worcestershire. That gentleman was afterwards ordained bishop, and was



vicar-apostolic of the Midland district of English roman-catholics. The "Principles" were published at Dublin, by Mr. O'Connor of Belanagare. On perusing this edition of them, Dr. Leland, the historian, is said to have declared, that, if such were the principles of catholics, no government had any right to quarrel with them. Dr. Coppinger, the roman-catholic bishop in Cloyne, published them in his Prayer Book, intitled, "*True Piety, or the day well spent*," now, at least, in its ninth edition. In 1785, the rev. Mr. Joseph Berington, to whom the public is indebted for many elegant and interesting works, brought them into general notice, by inserting them at the end of his "*Reflections addressed to the Rev. John Hawkins*."

It has been confidently asserted, that the committee of the English roman-catholics published an edition of the "Principles." This is a mistake; but, in 1788, the committee sent to Mr. Pitt, with whom they were then in intercourse on the subject of the bill, which afterwards passed for the relief of the English roman-catholics, a copy of the "Principles." They accompanied it with a letter, dated the 9th day of May, 1788, in which they mention to Mr. Pitt, that, "they took the liberty to enclose a printed summary of their tenets, which they were persuaded every catholic would readily sign." The letter was subscribed by lord Stourton, lord Petre, sir Henry Charles Englefield, sir William Jerningham, sir John Throckmorton, Mr. William Fermor, Mr. John Towneley, and Mr. Thomas Hornyold.

To give this copy of the "Principles" greater authenticity, the honourable James Talbot, then vicar-apostolic of the London district of the English roman-catholics, signed the first page of it with his name.

The last and best edition of this valuable tract, was published in 1815, by the Rev. John Kirk, the roman-catholic pastor at Lichfield. He has prefixed to it, a

laboured and curious inquiry respecting the editions and author of the tract. By a variety of arguments and inferences he makes it appear highly probable, that the author of the "principles" was the rev. father James Corker, abbot of the Benedictine abbey of *Lambspring* in Germany. The inquiry is ably executed, and contains much interesting matter. Mr. Kirk is now engaged in preparing for the press a new edition, to be greatly enlarged, and continued to the present times, of *Dodd's Church History of England, from 1500 to 1688*. It is hoped that it will meet with encouragement: the work is important, and a better editor of it cannot be imagined.

Considering the variety of editions, through which the tract in question has passed, and the character of the editors, there cannot be a doubt of its containing a just and fair exposition of the Principles of the roman-catholics, on the points to which it relates. As such, from Mr. Kirk's edition of it, we now present it to the reader.

#### ROMAN CATHOLIC PRINCIPLES IN REFERENCE TO GOD AND THE KING.

##### SECT. I.—*Of the Catholic Faith, and Church in general.*

1. THE fruition of God, and the remission of sin are not attainable by man, otherwise than *in and by the merits of Jesus Christ*, who *gratuitously* purchased them for us.

2. These merits of Christ, though infinite in themselves, are not applied to us, otherwise than by a *right faith* in him.

3. This faith is but *one* entire, and conformable to its object, which is *divine revelation*: and to which *faith* gives an undoubting assent.

4. This *revelation* contains many *mysteries*, transcending the natural reach of human understanding. Wherefore,

5. It became the divine *Wisdom* and *Goodness* to provide some *way* or *means*, whereby man might arrive to the *knowledge* of these *mysteries*; means *visible* and *apparent* to all; means *proportioned* to the capacities of all; means *sure* and certain to all.

6. This way or means is not the *reading of Scripture*, interpreted according to the *private judgment* of each disjunctive person, or nation in particular; But,

7. It is an *attention* and *submission* to the voice of the *catholic* or *universal church*, established by Christ for the instruction of all; spread for that end through all *nations*, and *visibly* continued in the succession of *pastors*, and people through all *ages*.—From this church, *guided in truth*, and secured from *error* in matters of *faith*, by the *promised assistance of the Holy Ghost*, every one may *learn* the right sense of the *Scriptures*, and such Christian *mysteries* and *duties* as are necessary to salvation.

8. This church, thus established, thus spread, thus continued, thus guided, in *one uniform faith*, and *subordination* of government, is that which is termed the *Roman-catholic Church*: the qualities just mentioned, *unity*, *indeficiency*, *visibility*, *succession*, and *universality*, being evidently applicable to her.

9. From the *testimony* and *authority* of this church, it is that we receive the *Scriptures*, and believe them to be the *word of God*: and as she can *assuredly* tell us what particular book is the *word of God*, so can she with the like *assurance* tell us also the true *sense* and *meaning* of it, in controverted points of *faith*; the same *Spirit* that wrote the *Scriptures*, *directing* her to understand both them, and all matters necessary to salvation. From these grounds it follows:

10. Only *truths revealed* by Almighty God, and *proposed* by the church, to be believed *as such*, are and ought to be esteemed, *articles of Catholic faith*.

11. As an *obstinate separation* from the *unity* of the church, in *known* matters of faith, is *heresy*; so a *wilful separation* from the *visible* unity of the same church, in matters of *subordination* and *government*, is *schism*.

12. The church proposes unto us matters of faith, first and chiefly by the Holy Scriptures, in points plain and intelligible in it; secondly, by definitions of general councils, in points not sufficiently plain in Scripture; thirdly, by apostolical traditions derived from Christ and his apostles to all succeeding ages; fourthly, by her practice, worship, and ceremonies *confirming her doctrine*.

#### SECT. II.—Of spiritual and temporal Authority.

1. THE *pastors* of the church—who are the body *representative*—either dispersed or convened in *council*, have received no commission from Christ to frame *new articles of faith*—these being solely *divine revelations*—but only to *explain* and to *define* to the faithful what *antiently* was, and is received and retained, as of *faith* in the church, when *debates* and *controversies* arise about them. These *definitions* in *matters of faith* only, and proposed *as such*, oblige all the faithful to a *submission of judgment*. But,

2. It is no article of faith, that the church cannot *err*, either in matters of *fact* or *discipline*, alterable by circumstances of time and place, or in matters of *speculation* or *civil policy*, depending on mere human judgment or testimony. These things are no revelations *deposited* in the catholic church, in regard of which alone, she has the *promised assistance* of the Holy Spirit.—Hence it is deduced,



3. If a *general council*, much less a *papal consistory*, should presume to *depose a king*, and to *absolve his subjects* from their *allegiance*, no *catholic* could be bound to *submit* to such a *decree*.—Hence also it follows, that,

4. The subjects of the king of England lawfully may, without the least breach of any *catholic principle*, renounce, upon oath, the teaching or practising the *doctrine of deposing kings* excommunicated for heresy, by any authority whatsoever, as repugnant to the *fundamental laws* of the nation, as injurious to *sovereign power*, as destructive to *peace and government*, and consequently in his Majesty's subjects, as *impious and damnable*\*.

5. Catholics believe that the bishop of *Rome*, successor of *St. Peter*, is the *head of the whole catholic church*; in which sense, this church may therefore fitly be styled *roman-catholic*, being an *universal body*, united under *one visible head*. Nevertheless,

6. It is *no matter of faith* to believe that the *pope* is in himself *infallible*, separated from the church, even in *expounding the faith*: by consequence, *papal definitions* or *decrees*, in whatever form pronounced, taken exclusively from a *general council*, or *universal acceptance of the church*, oblige none, under *pain of heresy*, to an interior assent.

7. Nor do catholics, as *catholics*, believe that the *pope* has any direct or indirect *authority* over the *temporal power* and jurisdiction of *princes*. Hence, if the *pope* should pretend to *absolve* or *dispense* with His Majesty's subjects from their *allegiance*, on account of *heresy* or *schism*, such *dispensation* would be *vain* and *null*: and all catholic subjects, notwithstanding such

\* Mr. Berington in his edition observes in a note at this place, "that he dislikes the word damnable, as it conveys no idea, or, if any, says too much; but lets it stand to show how desirous our ancestors were, by the most emphatical language, to express their detestation of the papal deposing power."

*dispensation* or *absolution*, would be still bound in conscience to defend their king and country, at the hazard of their lives and fortunes, (as far as protestants would be bound) even *against the pope* himself, in case he should invade the nation.

8. As for the *problematical disputes*, or errors of particular divines, in this or any other matter whatsoever, we are no wise *responsible* for them; nor are catholics, as *catholics*, justly *punishable* on their account. But,

9. As for the *king-killing doctrine*, or murder of princes excommunicated for heresy, it is universally admitted in the catholic church, and expressly so declared by the council of *Constance*, that such doctrine is *impious* and *execrable*, being contrary to the known *laws* of God and nature.

10. *Personal misdemeanors*, of what nature soever, ought not to be *imputed* to the catholic church, when not justifiable by the *tenets* of her faith and doctrine. For which reason, though the stories of the *Irish cruelties* or *powder plot*, had been exactly true (which yet, for the most part, are notoriously misrelated) nevertheless catholics, as such, ought not to suffer for such *offences*, any more than the eleven apostles ought to have suffered for the *treachery* of Judas.

11. It is a *fundamental truth* in our religion, that no power on earth can *license* men to *lie*, to *forswear*, or *perjure* themselves, to *massacre* their neighbours, or *destroy* their native country, on pretence of *promoting the catholic cause or religion*: furthermore, *all pardons* or *dispensations* granted, or pretended to be granted, in order to any such *ends* or designs, could have no other validity or effect, than to add *sacrilege* and *blasphemy* to the above-mentioned crimes.

12. The doctrine of *equivocation* or mental reservation, however wrongfully imputed to the church, was never taught, or approved by her, as any part of her belief.

On the contrary, *simplicity* and *godly sincerity* are constantly inculcated by her as truly *Christian virtues* necessary to the conservation of *justice, truth, and common security*.

SECT. III.—*Of other points of Catholic Faith.*

1. We believe, that there are seven *sacraments*, or sacred ceremonies, instituted by our Saviour Christ, whereby the *merits* of his passion are *applied* to the soul of the worthy receiver.

2. We *believe*, that when a sinner repents of his sins from the *bottom* of his heart, and *acknowledges* his transgressions to God and his *ministers, the dispensers of the mysteries of Christ*, resolving to turn from his evil ways, and bring forth fruits worthy of penance; there is then, and no otherwise, an authority left by Christ to *absolve* such a *penitent sinner* from his sins: which authority, we believe, Christ gave to his *apostles* and their *successors, the bishops and priests* of his church, in those words, when he said, *Receive ye the Holy Ghost; whose sins you shall forgive, they are forgiven unto them, &c.*

3. Though no creature whatsoever can make condign *satisfaction* either for the *guilt* of sin, or the *pain eternal* due to it, this *satisfaction* being proper to Christ our Saviour only, yet *penitent sinners*, redeemed by Christ, may, as *members* of Christ, in some measure *satisfy* by prayer, fasting, alms-deeds, and other works of piety, for the *temporal pain*, which in the order of divine justice sometimes remains due, after the *guilt* of sin and *pains eternal* have been remitted. Such *penitential works* are, notwithstanding, no otherwise *satisfactory* than as *joined* and applied to that *satisfaction*, which Jesus made upon the cross, in virtue of which *alone* all our good works find a grateful acceptance in the sight of God.

4. The *guilt of sin*, or *pain eternal* due to it, is never remitted by what catholics call *indulgences*; but only

such *temporal punishments* as remain due after the guilt is remitted :—these *indulgences* being nothing else than a *mitigation* or *relaxation*, upon just causes of *canonical penances*, enjoined by the pastors of the church on penitent sinners, according to their several degrees of demerit.—And if abuses or mistakes have been sometimes committed, in point either of granting or gaining *indulgences*, through the remissness or ignorance of particular persons, contrary to the ancient custom and discipline of the church ; such abuses or mistakes cannot rationally be charged on the church, or rendered matters of derision, in prejudice to her faith and discipline.

5. Catholics hold there is a *purgatory* ; that is to say, a place or state, where souls departing this life, with remission of their sins, as to the eternal guilt or pain, but yet *obnoxious* to some temporal *punishment*, of which we have spoken, still remaining due, or not perfectly freed from the blemish of some *defects* or *ordinations*, are *purged* before their admittance into heaven, where nothing that is *defiled* can enter. Furthermore,

6. Catholics also hold, that such souls so detained in *purgatory*, being the *living members* of Christ Jesus, are *relieved* by the *prayers* and *suffrages* of their *fellow-members* here on earth : But where this place is ; of what nature or quality the pains are ; how long souls may be there detained ; in what manner the *suffrages* made in their behalf are applied ; whether by way of *satisfaction* or *intercession*, &c. are questions superfluous and impertinent as to faith.

7. No man, though *just*, can merit either an increase of sanctity in this life, or eternal glory in the next, independently on the merits and passion of Christ Jesus : But the *good works* of a just man proceeding from *grace* and *charity*, are so far *acceptable* to God



through his goodness and sacred *promises*, as to be truly *meritorious* of eternal life.

8. It is an article of catholic belief, that in the most holy sacrament of the *Eucharist*, there is truly and really contained the *body* of Christ, *which was delivered for us*; and *his blood*, *which was shed for the remission of sins*; the substance of *bread* and *wine* being, by the powerful words of Christ, *changed* into the *substance* of his blessed body and blood; the *species* or appearances of *bread* and *wine*, by the will of God, remaining as they were. But,

9. Christ is not present in this sacrament, according to his *natural* way of existence, or rather as *bodies* naturally exist, but in a manner proper to the character of his exalted and *glorified* body: His presence then is *real* and *substantial*, but *sacramental*; not exposed to the external senses, or obnoxious to corporal contingencies.

10. Neither is the body of Christ, in this holy sacrament, *separated* from his blood, or his blood from his body, or either of them disjoined from his soul and divinity; but all and whole *living Jesus* is *entirely* contained under *either species*: so that whosoever receives under *one kind* is truly partaker of the *whole* sacrament; he is not deprived either of the body or the blood of Christ. True it is,

11. Our Saviour left unto us his body and blood, under two *distinct species*, or kinds; in doing of which he instituted not only a *sacrament*, but also a *sacrifice*: a *commemorative sacrifice*, distinctly *showing* his death and bloody passion, *until he come*. For as the *sacrifice of the cross* was performed by a distinct *effusion of blood*; so is that sacrifice commemorated in that of the *altar*, by a *distinction of the symbols*. Jesus therefore is here *given*, not only *to us*, but *for us*; and the church thereby

is enriched with a true, proper, and propitiatory sacrifice usually termed the *mass*.

12. Catholics renounce all *divine worship* and adoration of *images* and *pictures*; God alone we *worship and adore*; nevertheless we place pictures in our churches, to reduce our wandering thoughts and to enliven our memories towards *heavenly things*. Further, we show a *respect* to the images of Christ and his saints, beyond what is due to every profane figure; not that we can believe any *divinity* or virtue to reside in them, for which they ought to be honoured, but because the honour given to pictures is referred to the *prototype*, or thing represented. In like manner,

13. There is a kind of honour and respect due to the *Bible*, to the *cross*, to the name of *Jesus*, to *churches*, to the *sacraments*, &c. as things peculiarly appertaining to God; and to *kings*, *magistrates*, and *superiors* on earth; to whom honour is due, honour may be given, without any derogation to the majesty of God, or that divine worship which is appropriate to him. Moreover,

14. Catholics believe, that the blessed saints in heaven, replenished with charity, *pray* for us their *fellow-members* here on earth; that they rejoice at our *conversion*; that seeing God, they *see and know in him* all things suitable to their happy state: But God may be inclinable to hear their *requests* made in our behalf, and for their sakes may grant us many favours; therefore we believe that it is *good and profitable* to *desire* their *intercession*. Can this manner of *invocation* be more injurious to Christ our *mediator*, than it is for one Christian to beg the prayers of another here on earth? However, Catholics are not taught so to rely on the *prayers* of others, as to neglect their own *duty* to God; in *imploring* his *divine mercy and goodness*; in mortifying the *deeds of the flesh*; in *despising* the world; in *loving* and *serving* God and their neighbour; in following the

*footsteps of Christ our Lord, who is the way, the truth, and the life: to whom be honour and glory for ever and ever. Amen."*

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NOTE II; referred to in p. 109 of Vol. II.

*Answers of the Six Catholic Universities, to the Questions proposed by Mr. Pitt.*

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## LOUVAIN.

### QUERIES.

1st. HAS the pope, or cardinals, or any body of men, or any individual of the church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever within the realm of England?

2d. Can the pope, or cardinals, or any body of men, or any individual of the church of Rome, absolve or dispense with His Majesty's subjects from their oath of allegiance upon any pretext whatsoever?

3d. Is there any principle in the tenets of the catholic faith, by which catholics are justified in not keeping faith with heretics or other persons differing from them in religious opinions, in any transactions either of a public or a private nature?

The faculty of divinity at Louvain having been requested to give her opinion upon the questions above stated, does it with readiness; but is struck with astonishment that such questions should, at the end of this 18th century, be proposed to any learned body by inhabitants of a kingdom, that glories in the talents and discernment of its natives.

The faculty being assembled for the above purpose, it is agreed with the unanimous assent of all voices, to answer *the first and second queries* absolutely in the *negative*.

The faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to shew how it is supported by passages in the holy scriptures, or the writings of antiquity; that has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithæuses, Argentre, Widrington, and his Majesty king James the first, in his dissertations against Bellarmin, and Du Perron, and by many others. The writers of the present times, who have treated of the independence of the civil power, have proved the above positions with abundance of learning. The faculty esteems the following propositions to be beyond controversy:

I. That God is the author of the sovereign power of the state in civil matters\*.

II. That the sovereign power of the state is, in civil matters, subordinate to God alone†.

III. It follows, that the sovereign power of the state

\* *Hear therefore, O ye kings, and understand; for power is given you of the Lord.* Wisdom of Solomon, vi. v. 1. 3. The same Omnipotence that constituted an emperor, called into existence the man, ere he ascended the throne; his power and his life he derives from the same divine source. Tertull. Apologet. 130.

† *Against thee, thee only, have I sinned.* Ps. 51, v. 4. Cassiodorus, commenting on this text, says: "Whenever any individual of the community commits an error, he is amenable both to God and the king; but when the king is wanting in his duties, he is responsible to God only, inasmuch as there is no man competent to sit in judgment upon his actions." It is finely observed by Tertullian, in the same place: "Emperors are aware to whom they are indebted for their authority; they know it is God alone who has power over them, and to whom they are second, taking the lead under him."



is in no wise (not even indirectly, as it is termed) subject to or dependent upon any other power, though it be a spiritual power, or even though it be instituted for eternal salvation.

IV. It also follows, that no power whatsoever, even a spiritual power, or a power instituted for eternal salvation, not even a cardinal or a pope, or the whole body of the church, though assembled in general council, can deprive the sovereign power of the state of its temporal rights, possessions, government, jurisdiction, or pre-eminence, or subject it to any restraints or modifications.

V. It also follows, that no man, nor any assembly of men, however eminent in dignity and power, not even the whole body of the catholic church, though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people, still less can they absolve or free the subjects from their oath of allegiance.

VI. Therefore, as in the kingdom of England, the sovereign power of the state stands upon the same foundation, and its nature is well known, the faculty of divinity at Louvain has, no doubt, to apply what has been said before, in its utmost extent, to the kingdom, and the sovereign power of the kingdom of England.

Such is the doctrine which the faculty of divinity has imbibed from the holy scriptures, the writings of the antients, and the records of the primitive church, a doctrine she will maintain with her last breath, and by the help of God, will imprint it on the minds of all her scholars.

She is not ignorant that, in the middle ages, some things were done not reconcileable with the doctrine here laid down; and that the contrary doctrine was favourably heard by the court of Rome, and even found

its way into the councils of kings, with some restriction, however, as appears from the saying of St. Lewis upon the proceedings of the council of Lyons.

But to Bellarmin, the champion of these proceedings, we must answer in his own way : *These things have been done ; for their justice, let the doers of them be answerable.* (Vol. I. of his works of general controversy, 3 B. 2. ch. 29.)

And when, in the history of those ages, the sacred faculty of divinity of Louvain finds the evils which have been produced from the circumstances alluded to, the infinite detriment they have been to the church and republic of christianity, and the rivers of blood with which they have more than once coloured the fair face of Europe, she wishes the torch of history extinct, that this disgrace of the christian name might be buried in oblivion. She wishes it erased from the records of history, and would blot out the remembrance of it even with her own tears. But the doctrine of truth, of the apostles, and the church, delivered down by tradition from the fathers and holy prelates, founded in the eternal nature and fitness of things, and established on the positions above-mentioned, though, in the times we speak of, it was defaced and obscured by the filth, as it may be called, which was heaped upon it, yet it could not be obliterated ; nothing could injure it, no arts could prescribe against it ; hence, on the revival of letters, all its light and splendour were restored to it.

The faculty of divinity of Louvain holds, that the principles laid down by her upon the positions before stated, are not peculiar to herself ; she believes that, at this day, there is no society of learned men, nor any one learned man in the whole catholic world, who would not be ready to subscribe to them, as it is said, with both hands ; and should any one, led away by preconceived opinions, withhold his assent from them, she

must think him a man of no learning, unworthy of the name of a learned man, and unacquainted with the rich treasures of antient literature.

Proceeding to the third question, the said faculty of divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers; that there is not, and that there never has been, among catholics, or in the doctrines of the church of Rome, any law or principle which makes it lawful for catholics to break their faith with heretics or others of a different persuasion from themselves, in matters of religion, either in public or private concerns.

The faculty declares the doctrine of the catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those with whom the engagement is made hold erroneous opinions in matters of religion.

The said faculty of divines reads in the books of Chronicles, that the wrath of God punished king Zedekiah for breaking the alliance he had made with Nebuchadnezzar, an unbeliever, and in breach of that alliance deserting to the king of Egypt: and the heavy rebuke of God by his prophet for this breach of faith (Ezekiel 17.) "Shall he prosper, shall he be safe, that hath done these things; and shall he escape who hath broken his covenant? I live, saith the Lord; and the oath that he hath despised, and the covenant that he hath broken, I will put upon his head, and I will spread my net upon him, and he shall be taken in my snare, and I will bring him to Babylon," &c.

And the said faculty of divines also thinks, that it is unbecoming of them to heap up passages of the antient writings, to prove what no christian can doubt, and which not even the apostates from the christian faith ever laid to their charge. "They affirmed," (this

is the account which Pliny the younger, in his famous letter to Trajan, gives from those who had sent information to him of the christian religion,) “ that the  
 “ amount of the guilt or error of the christians was,  
 “ that they used, upon a stated day, to assemble before day-light, to sing praises to Christ as to the Deity,  
 “ and that by their oath they did not bind themselves  
 “ to commit any crime, but they bound themselves by  
 “ it not to commit theft, robbery, or adultery ; *not to*  
 “ *break their faith*, not to withhold things deposited  
 “ with them,” &c. This in the year 104 of our æra, they were informed by the church of God, was among the principal points of christian duty, viz. *not to break faith*, although they lived in the midst of persons of a different religion.

The said faculty strongly protests against the imputation, that the catholic church has at any time held a contrary doctrine. This she asserts is a calumny invented, and endeavoured to be forced upon catholics by the worst of men ; who, knowing their charges against catholics were destitute of truth, determined to make falsehood supply its place, and thereby render the catholics odious to princes and nations.

It is not to day, for the first time, that the faculty of divinity at Louvain protests against this charge. Two centuries ago, when there was great diversity of opinion in religious matters in the inhabitants of the provinces of Flanders, John Molanus, an illustrious member of the faculty of Louvain (every page of whose writings cardinal Baronius wished to be preserved), repelled the charge in his short treatise, *upon the keeping of faith with heretics*, printed at Cologne by Godfrey Kempenson, in the year 1584.

In that work he calls the tenet, that faith is not to be kept with heretics, “ a most pernicious evil, and a  
 “ most impious doctrine ascribed to the catholics, and



“ spread abroad by those men, who rather than peace  
 “ should be made, wished to throw every thing into  
 “ confusion, that thus no harmony, no articles of peace,  
 “ of equity, or honesty, might be received by persons  
 “ differing from them in religious matters.” Against  
 these persons, Molanus maintains and defends “ the  
 “ innocence,” to use his own words, “ of the christian  
 “ republic.”

In his steps the said faculty of divines now treads :  
 always ready to defend the same cause, and to combat  
 the calumnies of its adversaries, she now does it by  
 this public writing.

In testimony whereof to this instrument, authenticated by the seal of our university, undersigned by our dean, we have ordered the bedell to subscribe his name.

Given at Louvain, in an assembly extraordinary, this  
 18th November 1788.

(L. s.) J. B. De Maziere, S. T. D.

and Dean for the time being.

By command of my excellent Lords and Masters,

J. F. Vanoverbeke,

Bedell of the Sacred Faculty of Divinity.

## DOUAY.

*Extracted from the register of the sacred faculty of  
 divinity of the university of Douay.*

January 5th, 1789.

AT a meeting of the faculty of divinity of the university of Douay, the dean informed them, that the catholics of England were desirous of the opinion of the *faculty* upon three questions, the tenor of which was as follows :

1. Has the pope, by virtue of any authority, power, or jurisdiction derived to him from God, or have the cardinals, or even the church itself, any civil authority, civil power, or civil jurisdiction whatsoever in the kingdom of England?

2. Can the pope, the cardinals, or the church herself, absolve or free the subjects of the king of England from their oath of allegiance?

3. Is there any principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, or other persons who differ from them in religious opinions?

These questions first having been privately considered by each professor of divinity, and afterwards having been attentively discussed by the public meeting;

To the first and second of them, the sacred faculty answers, That no power whatsoever, in civil or temporal concerns, was given by the Almighty, either to the pope, the cardinals, or the church herself; and consequently, that kings and sovereigns are not, in temporal concerns, subject by the ordination of God to any ecclesiastical power whatsoever; neither can their subjects, by any authority granted to the pope or the church, from above, be freed from their obedience, or absolved from their oath of allegiance.

This is the doctrine which the doctors and professors of divinity hold and teach in our schools; and this all the candidates for degrees in divinity maintain in their public theses.

To the third question, the sacred faculty answers, That there is no principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, who differ from them in religious opinions. On the contrary, it is the unanimous doctrine of catholics, that the respect due to the name of God, so called to witness, requires that the oath be inviolably kept, to

whomsoever it is pledged, whether catholic, heretic, or infidel.

Done on the day and in the year above stated, by order of the illustrious lords of the holy faculty.

(Signed) *Bacq*, beadle and secretary.

It agrees with the original. Witness my hand,

*Bacq*, beadle and secretary.

WE, the sheriffs of the town of Douay, and justices of the police, certify to all whom it may concern, that the sieur *Bacq*, who has signed the above deliberation, is beadle, as well as secretary and registrar, to the faculty of holy theology in the university of this town, and that to all acts, so signed by him, credence is to be given in and out of court. In witness whereof we have caused these presents to be signed by one of the registrars of the said town, and the seal of the said town, where neither stamped paper, nor a small seal are in use, to be fixed to them.

The 12th January 1789.

HERBAUT; by order.

*The Answer of the faculty of the canon and civil law, in the same university of Douay.*

HAVING seen, and attentively considered the above written questions, and the answers of the sacred faculty of divinity to them, the faculties both of the canon law and of the civil law, declare, That they, without hesitation or doubt, concur in the aforesaid answers of the 5th instant, and that they have always firmly believed, and uniformly taught, that neither the cardinals, nor the pope, nor even the church herself, have any jurisdiction or power by divine right over the temporals of kings, sovereigns, or their subjects; and consequently that kings and sovereigns are not, in temporal concerns, subject by the ordination of God to any ecclesiastical

power whatsoever; nor can their subjects, by any authority granted to the pope or the church, from above, be freed from their obedience, or absolved from their oaths of allegiance.

Further, the doctors of these faculties declare, That an oath implies an obligation of natural and divine right, by which the party is bound to perform the promise contained in his oath, to whomsoever that promise be made, whether he be a catholic, an heretic, or an infidel; and that no person, through pretext of heresy or infidelity in the party to whom the promise is given, can be released from his obligation. The catholic religion, far from admitting any principle by which oaths can be dispensed with, holds such perjuries in abhorrence.

In testimony of which we have ordered our scribe to sign this instrument. Done at Douay, this 9th of January 1789.

WE, the sheriffs of the town of Douay, and justices of the police, certify to all whom it may concern, that the sieur Simon, who has signed the above deliberation, is beadle, as well as secretary and registrar, to the faculty of civil and canon law in the university of this town, and that to all acts, so signed by him, credence is to be given in and out of court. In witness whereof we have caused these presents to be signed by one of the registrars of the said town, and the seal of the said town, where neither stamped paper, nor a small seal are in use, to be affixed to them. The 12th January 1789.

HERBAUT; by order.



## PARIS.

*The Answer of the sacred faculty of divinity of Paris, to the Queries proposed by the English Catholics.*

THE dean and faculty of divinity in the university of Paris, to all who shall inspect these presents, send greeting :

Certain queries, the tenor of which is as follows, have been transmitted to us from England, in the name of the catholics living in that kingdom :

The First.—Has the pope, the cardinals, or any body of men, or any other person of the church of Rome, any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence, inherent in, or granted, or by any other means belonging to the pope, or the church of Rome ?

The Second.—Can the pope, the cardinals, or any body of men, or any person of the church of Rome, absolve or release the subjects of the king of England from their oath of allegiance ?

The Third.—Is there any principle in the articles of the catholic faith, by which catholics are justified in breaking faith with heretics, or others, who differ from them in religious opinions ?

They beg us to give our opinion in a solemn instrument upon these questions, that by it they may repel, as well from themselves as from the catholic faith, to which they are inviolably attached, all evil suspicion, as well on those points which relate to the right of the sovereign under whose government they live, as on those which relate to the public faith and peace of England, which, upon no pretence, ought to be disturbed.

Bound to satisfy every person who asks our opinion on doctrinal matters, and never having entertained any doubts upon the points in question, we opine, determine, and judge as follows :

*The Answer to the first Quære.*

NEITHER the pope, nor the cardinals, nor any body of men, nor any other person of the church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever in any kingdom, and consequently none in the kingdom of England, by reason or virtue of any authority, power, or jurisdiction, or pre-eminence by divine institution, inherent in, or granted, or by any other means belonging to the pope or the church of Rome.

This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained ; and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Among the many proofs of this (to avoid mentioning all of them) we shall state a few instances, which being nearer to our own times, are not liable to objection.

In the year 1626, a censure was published against the following propositions, extracted from the treatise of Santarellus, “ De Hæresi Schismate Potestate Summi Pontificis, in his delictis puniendis.”

“ The spiritual power of the church, entrusted to its prelates, extends indirectly, even to temporals, to the end, that it may conveniently help the faithful to their spiritual end, and supply the defect of the temporal power, if the temporal power should be negligent in the execution of her duty, or abuse her power ; which is particularly true with respect to the crime of heresy.

“ The pope can inflict temporal punishment on sove-

“ reigns for heresy, and deprive them of their kingdoms,  
“ and free their subjects from their obedience.

“ The pope hath both spiritual and temporal power  
“ by divine right.

“ The pope has, at least indirectly, a power over  
“ princes in temporals, inasmuch as temporals may  
“ prove an impediment to their direction of the sheep  
“ of Christ to their supernatural end.

“ The pope has a directory, and consequently a compulsory power, over princes who do wrong.

“ If, for the common good of the church, wisdom  
“ and sound reason require, that temporal punishment  
“ should be inflicted on disobedient and incorrigible  
“ princes, or even that they should be dethroned, the  
“ pope has a right to punish them in that manner.

“ The apostles were subjected to their sovereigns,  
“ *de facto*, but not *de jure*.”

The sacred faculty of divinity condemned the doctrine contained in these and similar propositions “ as  
“ new, false, erroneous, contrary to the word of God,  
“ bringing odium on the papal dignity, giving occasion  
“ to schism, derogatory to the sovereign authority of  
“ kings (which depends upon God alone) impeding the  
“ conversion of infidel and heretical kings ; as tending  
“ to disturb the public peace, to subvert kingdoms,  
“ states, and republics ; to withdraw subjects from  
“ their obedience and subjection, and to excite them to  
“ faction, rebellion, sedition, and the murder of their  
“ sovereigns.”

In this censure, the other faculties of the university of Paris, and several other universities in France, as Toulouse, Valence, Bourdeaux, Poitiers, Caen, and Rheims, concurred with great applause.

The articles laid before Lewis the 14th, in 1663, by the sacred faculty, agree with the above censure. By

them it is declared, "that it is the doctrine of the faculty, that the king of France neither acknowledges, nor has in temporals any superior but God; that this is her antient doctrine, from which she will never depart. Moreover, that the faculty has already opposed, even those who were of opinion, that the pope had, in temporal concerns, even an indirect authority over the king of France."

And when in 1682, in the censure hereafter referred to, the sacred faculty expressly observes, "that the grand principle of their doctrine, (viz. that the sovereign power of kings depends upon God alone, and that no one has any right to interfere in their temporal concerns) has been frequently repeated by them, particularly in their solemn declaration of the year 1663." This sufficiently shews, that in the declaration of 1663, they stated nothing to the king of France, but what they considered as common to him with all other kings.

Thus, in 1682, when Malagola interpreted the power of "binding and loosing," which Christ gave to St. Peter and his successors, as relating both to the secular and ecclesiastical power, the sacred faculty declared, that this doctrine resolved itself into the same doctrine which she had before condemned in Santarellus; she used the very same words, and the very same expressions of censure, which she has used in regard of Santarellus; she took that occasion to renew her censure of Santarellus, and struck the name of Malagola from the list of candidates for the degree of bachelors.

Of the uniformity of our doctrine upon this head, the celebrated declaration of the French clergy, published in 1682, will be an eternal monument; the first article of it is as follows, and it well expresses the genuine sentiments of the faculty:



“ To St. Peter and to his successors, the vicars of  
 “ Christ, and to the church, power was delegated by  
 “ God in concerns of a spiritual nature and belonging  
 “ to eternal salvation, but not in civil or temporal con-  
 “ cerns, as appears by the expressions of our Lord, *My*  
 “ *kingdom is not of this world*; and again, *give therefore*  
 “ *unto Cæsar those things which are Cæsar’s, and those*  
 “ *which are God’s, to God.* On the same ground stands  
 “ the saying of the apostles, *Let every soul be subjected*  
 “ *to the higher powers, for there is no power but from God,*  
 “ *for those which are, are ordained from God*: whoever  
 “ therefore resists power, resists the ordination of God.  
 “ Kings and princes, therefore, are not in temporals  
 “ subjected by the ordination of God to any ecclesias-  
 “ tical power, either directly or indirectly; neither by  
 “ the authority of the keys of the church can they be  
 “ deposed, or their subjects freed from their faith, obe-  
 “ dience, or oath of allegiance; that this opinion was  
 “ necessary to public peace, equally useful to the church  
 “ and state, and agreeable to tradition and the example  
 “ of the fathers, and should therefore, upon every  
 “ account, be adhered to.”

Ever since the year 1682, it has been the will of the sacred faculty of Paris that this doctrine should, in the very words of the declaration, be taught in her schools. And it is a law and uninterrupted usage of the faculty, that all the bachelors, before they take their degree of licentiates, should maintain it in their public theses.

Thus, in the course of time, has this doctrine become so completely established with the divines of Paris, that whenever their opinion has been asked upon private concerns, they have never answered otherwise than conformably to it.

In 1680, sixty doctors of the sacred faculty declared it to be their opinion, that the English oath of alle-

giance, which mentions the independent sovereignty of the kings of England in temporal concerns, might be taken by English catholics with a safe conscience.

Such also was the opinion of sixty of our body, who, in 1775, held that “ the *English* catholics might, with “ a safe conscience, swear, that the Pope had not by “ divine ordination, any kind of temporal right in any “ kingdom, particularly naming Ireland.”

Thus have we declared our opinion on the first question; an opinion not merely probable, but certain; not variable and unsteady, but constant and perpetual; not suggested by others, but the fruit of our own study; not dictated to us by law, but antecedent to law itself.

Our faculty devotes herself the more religiously to the defence of this doctrine, because she finds it perfectly consonant to the word of God, and the tradition of the fathers.

For there is not in the scripture any mention of any right granted by Christ to ecclesiastical persons, or to the roman pontiff, who is their head, to interfere in temporal concerns, to dethrone sovereigns, or to place others in their stead. On the contrary, Christ incessantly inculcates, that notwithstanding the promulgation of the gospel, kingdoms remained in the same state in which they were constituted by the rights of nations and people; that the civil power remained distinct in her own order, her own duties, and her own actions, untouched, and in full possession of her former rights; that the empire of Cæsar should ever be safe from his empire, and that earthly kingdoms should never be in any danger from the laws of his kingdom. To this refer the former passages cited above by the French clergy, John xviii. v. 33. Matt. xxii. Rom. xiii.

Conscious of the divine authority of their office, and that they should have the assistance of heaven in the discharge of it, the apostles never taught those to whom

they committed the care of the churches, that the civil power was, in matters of a temporal nature, obnoxious to it, either directly or indirectly.

And certainly those, with whom the apostolic tradition was first deposited, were far from claiming any power in civil or temporal concerns. Every person is apprised of the famous passages in Tertullian's letters to Scapula, and in his Apology: "We venerate the emperor, says he, as the person next to God, and in what he derives from God, inferior only to God; the emperors know, that to God alone they are subject, to God alone they are second; after God they are first in order." This was the language of the christians in times, when the numbers of them were so great, that the same writer observes, they filled the towns, the islands, the corporations, and even the armies of the emperor.

Osius, who presided at the council of Nice, writes thus to the emperor Constantius: "To thee God has committed the empire; to us he has intrusted his church; and as those who with evil eyes look at your empire, contradict the divine ordination, so it is with respect to us; for it is written, What is Cæsar's, give to Cæsar; what is God's, give to God. It is unlawful for us to hold an earthly empire," &c.

St. Augustin, in his 115th treatise on the gospel of St. John, cried out without hesitation, "Hear, O ye empires of the world; I interfere not with your sovereignty in this world; my kingdom is not of this world."

Pope Gelasius writes thus to the emperor Anastatius: "The government of the world acts on two things, the sacred authority of the bishops, and the power of the kings: each is chief, each supreme. Nor do the duties of the one interfere with the duties of the other, so far as to the order of public discipline belongs; the

“bishops of the church, recognizing the sovereignty  
 “conferred upon you by the authority of God, obey  
 “you,” &c.

We shall adduce no farther proof, lest our answer should swell to an immense size. That learned work of Bossuet, *Defensio Cleri Gallicani*, throughout the whole of the second part, contains many striking proofs that this doctrine is an apostolic tradition.

*Answer to the second Quære.*

“NEITHER the pope, nor the cardinals, nor any body  
 “of men, nor any person of the church of Rome, can,  
 “by virtue of the keys, absolve or free the subjects of  
 “the king of England from their oath of allegiance.”

This and the first quære are so intimately connected, that the answer to the first immediately and naturally applies to the second.

For what greater authority over a sovereign can be conceived, than the right of absolving and freeing subjects from their oath of allegiance? How well might it be said, that the kingdom of Christ *was* of this world, if the right of deciding on the taking away of kingdoms were annexed to it, and could be conferred by it upon the ministers of the church!

It were needless to repeat here what we said at some length upon the first quære, or to copy the passages we cited before from the declaration of the Gallican church, and her censures of Santarellus and Malagola. It is however observable, that the third of the articles of the year 1663, particularly regards this quære, “The doctrine of the faculty is, that the obligation of allegiance  
 “and obedience, which the subjects of the kings of  
 “France owe their sovereign, is of such a nature, that  
 “it cannot by any pretence be dispensed with.”

The words of the English oath of allegiance should be attended to: “The pope has not by himself, or by



“ any authority, granted to the church, or the see of  
 “ Rome, or by any other means, or with any other per-  
 “ son, any authority to depose the king, or to free any  
 “ of his subjects from their oath of allegiance, or their  
 “ obedience.”

The answer of the doctors to the catholics of Ireland in 1775, upon the third quære, is, “ The doctrine of  
 “ the right of the popes to depose princes excommu-  
 “ nicated, is hæretical *materialiter* (as it is termed by  
 “ the schools); that is, contrary to the very word of  
 “ God.”

*Answer to the third Quære.*

THERE is no tenet in the catholic faith, by which catholics are justified in not keeping faith with heretics, or those “ who differ from them in matters of  
 “ religion.”

The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of catholics, that there is nothing of which those who have defended the catholic faith against protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them\*.

We have already mentioned the answer of the sixty doctors of Paris, consulted by the Irish catholics in 1775, to a similar quære. We adopt it in all its parts; and with respect to the principle of the tenet, which the English catholics fear lest by reason of some pre-conceived opinions it should be imputed to them, as it is rejected by christians of every communion, and is repugnant to the fundamental principles both of natural and revealed religion, we cannot think it incumbent on us to enter upon the subject, and we think it requires no discussion.

\* See Arnaud's Apology for the Catholics, and the authors cited by Rosweid and Swert. See also Cocelæus in his History of the Hussites.

Thus then the sacred faculty considers it to be certain, that no power in civil or temporal matters, was given by Christ to St. Peter, or his successors, or the church of Rome, or annexed to her power in things spiritual, or relating to eternal salvation; that subjects cannot be absolved from their oath of allegiance to their temporal sovereign, that nothing can excuse them in breaking faith with heretics; that this is the doctrine of the catholic church, and that it is founded on scripture and tradition.

Given at Paris in the General Assembly of the Sorbonne, held on Thursday the 11th day before the Calends of March, 1789.

LE CHEVALIER,

Dean of the sacred Faculty of Paris.

By command of the venerable the dean and the masters of the Sacred Faculty of Paris.

HARDY, Scribe.

## ALCALA.

*The Judgment of the university of Alcala, concerning three Questions proposed to it by his Catholic Majesty, and their most beloved sovereign Charles the fourth.*

*Question the first.*

HAS the roman pontiff, or the cardinals of the holy roman church, or any council, or any individual of the catholic church, by virtue of their communion with that church, any civil authority, civil power, jurisdiction, or pre-eminence in the kingdom of Great Britain?

*Second.* Can the roman pontiff, the cardinals of the holy roman church, any council, or individual of the

catholic church, absolve the subjects of His Britannic Majesty from their oath of allegiance, or dispense with its obligations?

*Third.* Among the articles of the catholic faith, is there any which teaches, that catholics are not bound to keep faith with heretics, or with persons of any other description, who dissent from them in matters of religion?

*Answer to the first Question.*

It is the opinion of the university, that none of the persons mentioned in the proposed question, either individually or collectively, or in any council assembled, whether laymen or prelates, have any right to civil authority by virtue of their communion with the catholic church: and that, therefore, the civil authority, civil power, jurisdiction, and pre-eminence which many catholics possess, is not derived to them from the circumstance of their being catholics, but from the very same sources, as to many others who are not catholics, viz. from inheritance, election, the consent of the people, and other titles of that nature. For the rights of governing kingdoms in civil concerns, as well as of possession, were instituted before the catholic church was founded by Jesus Christ our Lord, the author of that divine law, by which it is governed; and he expressly declared, that he left those rights untouched, saying to Pilate, “My kingdom is not of this world; but now my kingdom is not from hence.” (John xviii. 36.) The sense of which words have been aptly explained and illustrated by the great St. Augustin (Trac. 115, in Joan. n. 2.) “Listen (says he), ye Jews and Gentiles; hear this, ye circumcised and uncircumcised; hear it, all ye nations of the earth: I interfere not with your dominion in this world. Be not you seized with

“ that groundless fear with which Herod trembled, when  
“ the birth of Christ was announced in Jerusalem.” The  
same are the ideas of the apostle Paul, conveyed in these  
words, in his Epistle to the Romans, “ Let every soul  
“ be subject to the higher powers;” on which St. John  
Chrysostom has this commentary, “ On this subject  
“ (says he) Paul has spoken frequently in his other  
“ epistles, also inculcating the obedience of subjects to  
“ their princes, as of servants to their masters : shewing  
“ that Christ did not introduce his laws with a view to  
“ the subversion of the laws of civil polity, but to  
“ amend them, and to prevent superfluous and useless  
“ wars ; by this method he more successfully attracted  
“ infidel princes to religion and piety, and the faithful  
“ to proper obedience.”

No other power has been given to the faithful by  
Christ our Lord, but that which John the Evangelist  
has described in a few words, that is, the power to be  
made the sons of God. All other emoluments and com-  
forts of this life, he would have them share in common  
with others, even with the worshippers of the evil spirits;  
which, as St. Augustin puts us in mind, has been so  
ordered by the mercies of our Saviour, lest those who  
believe in him should desire such things from his hands  
as their principal good, (l. 5. de Civ. Dei, c. 24.) These  
words, by their own weight, and by the authority of  
St. Augustin, who was himself a prelate, demonstrates,  
that prelates have no right to such things, in conse-  
quence of their communion with the catholic church.  
Certainly, the more exalted is their dignity, the more in-  
decorous it would be in them, to expect from Christ  
these worthless earthly things as their sovereign good.

Doubtless, prelates are possessed of a high power,  
jurisdiction, authority, and pre-eminence for the dispens-  
ing of divine mysteries, not for the administration of  
human concerns, as pope Symmachus observes, or as



St. Bernard expresses it, a power over crimes, not over earthly goods, insomuch, that human and terrestrial things are not the objects of their power; but are a harvest belonging to others, the property of the civil magistrates and princes of the earth. (De Cons. ad Eug. c. 6. lib. 1.)

*Answer to the second Question.*

HAVING considered the state of England, and the situation of its sovereign, the university in like manner is of opinion, that none of the persons mentioned in the proposition has a power to absolve the subjects of his Britannic majesty from the oath of allegiance which they have taken, or are bound to take to his said majesty, or to dispense with its obligations; understanding with St. Augustin and St. John Chrysostom, even the apostle St. Paul, those passages of the sacred scriptures which promise to just men, and believers in Christ, deliverance from subjection, as speaking of a future state after this mortal life.

We see that St. Augustin explains those words of the Psalm, "The Lord will not leave the rod of sinners upon the lot of the just." (Ps. 124. Aug. *ibid.*) By comparing them with the text of St. Paul to the Ephesians, "Servants, be obedient to them that are your masters, according to the flesh," (c. vi. v. 5.) in the following manner, "Christ has no intention to nourish any pride in your heart during your earthly pilgrimage; it has been your lot to become a christian, while you have a man for your master; you are not made a christian, that you may disdain to be a servant. While you serve a man, in obedience to the injunctions of Christ, you serve not man, but Christ, who gave such injunctions. Behold he hath not given freedom to slaves, but of bad slaves he makes them good ones! How much

“ are the rich indebted to Christ for preserving order for  
“ their domestic establishments ! If there be in them an  
“ unbelieving slave, he converts him to his faith, but  
“ does not say to him, leave thy master ; it is unjust,  
“ that he who is a righteous man and a believer, should  
“ be a slave to one who is a criminal and an infidel. He  
“ says not this, but commands him to serve with greater  
“ fidelity. And that he might inspirit his follower to  
“ this, he hath said, Serve, because I before you have  
“ served the wicked.” St. Augustin confirms this  
doctrine by the example of the catholics, who shewed  
a ready obedience to Julian, an infidel, apostate, and  
idolater ; and after having subjoined, “ What I have  
“ said of a master and slave, must be understood of  
“ potentates and kings, and all the high powers of this  
“ world,” he concludes that the words of the Psalm  
must be understood in this sense ;—“ The rod of sinners  
“ is felt for a time, but it shall not remain ; we shall not  
“ be aggrieved by it for ever :” and he adds, “ unjust  
“ men are sometimes exalted to the honours of this  
“ world. When they attain to them, and are consti-  
“ tuted judges and kings, since God permits this for  
“ the correction of his people, it can only be that due  
“ honour may be given to the dignity with which they  
“ are invested.”

Thus does St. Augustin expressly declare it to be the  
sense of the apostle, that not he, but the Lord, com-  
mands subjects to be obedient to their princes during  
the days of this transitory life ; and, although they may  
be just and faithful followers of Jesus, to look out for  
an entire emancipation from subjection only in the world  
to come ; hence, it also follows, that these other words  
of the apostle, when writing to the Corinthians, (1 Cor.  
vii. 20, 21.) he says, “ Let every man abide in the  
“ same calling in which he was called. Wast thou called,  
“ being a bondsman ? Care not for it ; but if thou mayest

“ be made free, use it rather,” are to be taken in their literal sense ; and they are easily applicable to the subjects of his Britannic majesty.

St. John Chrysostom agrees with St. Augustin in every part of this doctrine, and moreover declares the obligation of civil obedience to be incumbent on all ; “ Whether you be an apostle, says he, or an evangelist, “ or a prophet, or any thing else ;” and he searches into the origin of this obligation, saying, “ If it be our “ duty to do good to those from whom we receive injuries, how much more strictly are we bound to be “ obedient to those who load us with benefits ? It is not “ a little that is contributed by princes towards the comforts of our present existence, when they take arms “ to repel our enemies, quell seditions in the cities, and “ put an end to every vexatious litigation. Do not tell “ me, he proceeds, that his power is frequently abused ; “ but consider the advantages which flow from the “ establishment of civil authority, and you will discover “ much wisdom in the institution ; for where there is “ no government, there is the reign of confusion and of “ every evil. ‘ Render, therefore, to all men their dues ; “ tribute, to whom tribute is due ; custom, to whom “ custom ; fear, to whom fear ; honour, to whom honour ; “ owe no man any thing, but to love one another.’ He “ has not said, give, but render ; and he has added, “ their dues : for in this you are not conferring a favour. “ If you reply, that as a disciple of Jesus, you enjoy “ higher privileges ; know that your time is not yet “ come. You are a stranger and a pilgrim ; the day “ will come when you will far outshine the splendors of “ earthly dignity. Now your life is hidden with Christ “ in God. When Christ shall appear, then shall you “ also appear with him in glory ; therefore, seek not “ your retribution in this transitory life. If you must “ stand with reverence before an earthly prince, think

“not that it is unworthy your native dignity; for  
“such is the will of God, that the prince whom he hath  
“created his entire, possesses his entire strength.”

Since, then, in the judgment of both these holy fathers, it is the sense of the apostle, that tribute, custom, fear, honour, are due to princes, both by the command of God, and as a debt of retribution for the benefits which they confer on the state, maintaining order and peace, and performing other good offices to their subjects; since in the present constitution of human things, due honour must necessarily be given to the higher powers; and since an oath of allegiance does not found any new or unusual obligation, but strengthens by the sanction of religion, an obligation which previously existed; it follows, that no one can absolve the subjects of his Britannic majesty from such an oath, nor dispense with its obligations; therefore, the prince must ever retain his strength, and the subjects must abide in the same calling in which they are called.

*Answer to the third Question.*

SO persuaded is the university, that a doctrine which would exempt catholics from the obligation of keeping faith with heretics, or any other persons who may dissent from them in matters of religion, instead of being an article of the catholic faith, is entirely repugnant to its tenets; that she could not have believed it possible, there should exist any person who would dare to impute to catholics any thing so iniquitous, had she not learnt from the things that are written in the sacred scriptures for our instruction, that the same Pharisees who had heard our Lord openly deliver this injunction, “Render to Cæsar the things that are Cæsar’s,” afterwards laid this crime to his charge; “we have found  
“this man perverting our nation, and forbidding us to  
“give tribute to Cæsar.” But the devil, who had put



this into their hearts, and moved their tongues to the uttering of such falsehoods, as could induce the Jewish multitude, who considered Christ as a prophet, to cry out with a loud voice, "Crucify him, crucify him," has never since desisted from perverting others in like manner.

It was alleged every where against the apostles, that they were seditious men, introducers of innovations, and both by their doctrine and conduct, aiming at the subversion of all legal authority. On this account, as St. John Chrysostom observes, the apostle of the Gentiles treats so often of keeping faith with princes, masters, friends, enemies, just and unjust, and frequently inculcates, that we must give them no cause for offence, but must do them every friendly office; and the same has been perpetually taught by the catholic church, in her writings, by her words, and her actions.

Still the father of lies has persisted in the same attempt. England is not ignorant of the calumnies vented against catholics by the apostate Oates. The assertions likewise are well known, which maintained with so much industry and art, the art of deceiving and lying, in which he so much excels. He was crafty enough to persuade some persons that a canon was framed in the sixth general council, by which catholics are freed from any obligation to keep faith with heretics, or any other persons who may dissent from their religious tenets; and that a similar canon was published by the council of Constance, by virtue of which he affirmed, that faith was not kept with John Hus, and Jerome of Prague.

But the first of these canons is not of the sixth general council, nor is it of any authority; on the contrary, it has been condemned by the church. As to the council of Constance, nothing was there defined concerning breach of faith. If we were to determine the question

from the acts of that synod, we should be forced to draw a contrary conclusion. For the fathers of the council declared, that therefore they were at liberty to examine the doctrines of John Huss, because they had not granted him a safe conduct.

A safe conduct had indeed been granted him by the emperor Sigismund, who nevertheless afterwards ordered him to be burnt, but still without any breach of faith. For he had given him a safe conduct only in the ordinary form, viz. against lawless violence, and with the condition annexed to it, that if he fled, he should forfeit his life. Huss fled, in violation of his engagement.

To Jerome of Prague a safe conduct was granted by the council itself, not including any special immunities, not authorizing any daring attempts which he should afterwards make, but upon this condition, that the course of justice should not be impeded. He was present in the council, abjured his heresies, and was exposed to no molestation. But when afterwards, contrary to his promises, he had taken himself to flight, and begun to spread abroad among the vulgar, that he had consented to falsehood, in agreeing to the condemnation of Wicklef and John Huss; that he could find no errors in their doctrine; that Wicklef was an evangelical preacher; and when at length he obstinately maintained these assertions before the fathers of the council, Sigismund judged that such behaviour was not to be tolerated in one who had broken his faith; and surely, what man in his senses would assert, that any one ought to be suffered with impunity to utter against God and man absurdities and blasphemies like the following: 1st, God ought to obey the devil. 2d, No man is a civil ruler, no man is a prelate, no man is a bishop, while he is in the state of mortal sin. 3d, The multitude have a right to punish at their plea-

sure the crimes of their rulers. 4th, Oaths which are taken to confirm contracts, or civil negotiations, are unlawful. So much for those canons by which they have endeavoured to spirit up envy and odium against catholics.

Catholics have been taught by St. James the apostle, that their speech must be yea, yea; nay, nay: guided by this wisdom, the catholic church has ever reprobated falsehood. But to swear or to promise any thing without actually performing it, is a falsehood. The catholic church is not so devoid of judgment as to have enacted a law, or promulgated a decree, which would banish from the catholic world excellent virtues, truth, fidelity, and justice, without which there could be no happiness for individuals, no civil societies, nor intercourse among men. What catholic ever taught that it was lawful to lie, to deceive, or to violate any natural right? Our religion, on the contrary, teaches that faith must be kept with all men, whatever be their religion, or though they be of no religion, without a single exception, in every promise, which of its own nature is lawful and valid, whether in peace or in war, in the concerns of religion, in matrimony, in safe conducts, in civil commerce with friends, with enemies.

These being our sentiments, as may be evinced likewise by what has been said relative to the first and second questions, that the doctrine of the catholic church may be clearly and distinctly understood by all the world; we shall only add, that no obligation arising from the laws of nature, of nations, or of men, which is founded in natural reason, has been altered or weakened by our Redeemer; but that every such obligation has been rather heightened and exalted to greater perfection, has been strengthened by his doctrine and example, and by the addition of other moral precepts and councils; that the order of nature might be preserved

in all human things, and that his grace might assist men to discharge their natural duties. This is the excellent philosophy which he brought from heaven, and introduced into the world, that he might form men to be useful and beneficial one to another, and obedient to the commands of the Divine Being.

These are the unanimous decisions of this university, after a mature deliberation, in a full assembly of the doctors, the 17th day of March, in the year of our Lord 1789.

(Signed by the Rector, and the Deans of the Three Faculties of Theology, Canon Law, and Medicine; and countersigned, by command of the University, by its Secretary.)

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## VALLADOLID.

*A Decision concerning the three underwritten Propositions, laid before the university of Valladolid, in the kingdom of Spain, by the English Catholics.*

### *Question the first.*

HAS the roman pontiff, or the cardinals of the holy roman church, or any council, or any individual of the catholic church, by virtue of their communion with that church, any civil authority, civil power, jurisdiction, or pre-eminence, in the kingdom of Great Britain?

### *Question the second.*

CAN the roman pontiff, the cardinals of the holy roman church, or any council, or individual of the catholic church, absolve the subjects of His Britannic Majesty from their oath of allegiance, or dispense with its obligations?



*Question the third.*

AMONG the articles of the catholic faith, is there any which teaches, that catholics are not bound to keep faith with heretics, or any other persons who dissent from them in matters of religion?

*Answer to the first Question.*

THE university of Valladolid, in the roman pontiff, in the cardinals of the holy roman church, in any council, even a general assembly legally assembled, much less in any individual, acknowledges no civil authority, civil power, jurisdiction, or pre-eminence, by virtue of their communion with that church, neither directly nor indirectly, in the kingdom of Great Britain, nor in other kingdoms or provinces, whether catholic or not, over which they possess no temporal dominion in consequence of any spiritual power granted by Christ our Lord, either to the universal church, or to its head, or its members, however exalted in dignity and rank.

*Answer to the second Question.*

NEITHER the roman pontiff, nor the cardinals of the holy roman church, nor any council, not even a general assembly legally assembled, nor any individual of the catholic church, can any way absolve the subjects of the king of Great Britain, or any other person, whether catholic or not, over whom they hold no temporal dominion, from their oath of allegiance, nor dispense with its obligations.

This is the unanimous determination of the university of Valladolid, respecting the first and second propositions, a determination founded on a variety of arguments drawn from the sacred writings and antient monuments; and not only the university of Valladolid, but all the universities in the Spanish dominions, are even com-

manded by royal authority to maintain this doctrine; for the professors of the Spanish universities, in order to qualify themselves for any academical degree, or for obtaining any professor's chair, are obliged to take the following oath before the supreme council of the state: "I N. call God to witness, and swear by the cross, " which I now touch, that I will never directly or " indirectly promote, defend, or teach, any opinions " contrary to civil authority and the king's regalia." Moreover, neither can the rector, the chancellor (who is a bishop of this city and diocese,) the deputies nor counsellors, be on any pretext admitted to perform their respective offices, till they have taken a solemn oath, binding them to the observance of the aforesaid academical law.

*Answer to the third Question.*

AMONG the articles of the catholic faith, there is none which teaches, that catholics may lawfully break their faith with heretics, or any other persons whatever, who dissent from them in matters of religion; the obligation of keeping faith is grounded on the natural law which binds all men equally, without regard to their religious opinions; and with respect to catholics, it has still greater force, being confirmed by the precepts of the catholic religion.

This is the decision of the university of Valladolid, signed by all and each of the professors, on the 17th day of February, in the year of our Lord 1789.

(Signed by the Rector, the Vice Chancellor, the Dean, and twenty-four Doctors and Professors; and countersigned by the Secretary of the University.)

## SALAMANCA.

*A Determination relating to the concerns of the English Catholics, which, being consulted by his Majesty, the university of Salamanca offers and presents to the most puissant Charles the fourth, king of Spain.*

*Consultation.*

THE catholics of England being desirous to enjoy the privileges, and to be admitted to discharge those offices in the state, to which every member of a commonwealth possesses a kind of inherent right, and from which they will ever be excluded, unless they make a public declaration, that they will never be induced to withdraw themselves from their allegiance to the civil and established power and jurisdiction of the kings of Great Britain, by motives coloured over by a pretended regard for the interest of religion, by any pretext, or any dispensation; convene the university of Salamanca, by the favour and under the patronage of his most puissant majesty, our sovereign lord Charles the fourth, king of Spain, that they may learn our sentiments, and obtain our decision with respect to certain questions which they are to propose to us. Therefore all the doctors and professors being in council assembled, as is customary for the discussion of any important matters, and the questions having been for some time weighed and considered, six members of the university, chosen out of the faculties of divinity and canon law, were appointed to draw up the answers: and they with minds wholly divested of prejudice, as far as is compatible with the condition of human beings, consulting together in private, framed distinct answers to each question,

which answers were approved and confirmed by the suffrages of the rest of their fellow-members in another full assembly.

*Question the first.*

HAS the Roman pontiff, or the cardinals of the holy Roman church, or any council, or any individual of the catholic church, in consequence of their communion with that church, any civil authority, civil power, jurisdiction or pre-eminence, in the kingdom of Great Britain?

*Answer.*

IN order to resolve this question in a clear and methodical manner, we must have recourse to first principles, and inquire what kind of power has been delegated by Christ to the church; since the christian republic cannot possess, by native and original right, any thing beyond that which was granted to it by our Redeemer, and its founder Christ Jesus. In what manner, then, did our Saviour express himself, when he spoke of kingdoms, and of the power and jurisdiction of his church? That he might silence the Jews, who were perpetually calumniating him, as one that set himself up for king in opposition to Cæsar; he answered to Pilate, ‘My kingdom is not of this world, otherwise, my servants would certainly strive that I should not be delivered up to the Jews; but now my kingdom is not from hence.’ Now the same power, and no other, was given by Christ to Peter, to his successors, the bishops of Rome, and to the universal church, which he himself, as man, had given him by his Father. ‘As the living Father,’ saith he, ‘hath sent me, I also send you’: but he invariably denies that he had received any temporal power, by declaring, that his kingdom is not of this world; by betaking himself to flight, when some persons had conceived a



design of making him king, by replying to one who said to him, ' Master, speak to my brother, that he divide the inheritance with me; who hath made me a judge or a divider over you?' and, in fine, by decreeing that tribute should be paid to Cæsar, though at that time it was an unquestionable truth, that the Romans were tyrants, and most cruel oppressors of him, of all the Jews, and of the whole country of Palestine. If ever he had taken occasion to mention any temporal power, as belonging to himself, it would have been when he foretold, that the time would come, in which princes would abuse their authority by persecuting the divine messengers of salvation, by inflicting on them the most excruciating tortures, and by opposing with all their power the propagation of his religion. Whereas, even then, so far was he from giving them any authority to stir up wars, and defend his religion by hostile measures, that he frequently inculcated to them, that they must behave like sheep among wolves; that, like simple doves, they must contend only by their sighs, their patience, their meekness. This is the character of the christian religion; these are its lovely features, which, if men were but to view them with unprejudiced minds, could not fail to make it the object of their adoration and fondest affection; certainly, he who came not to be ministered unto, but to minister and save that which was lost; he, who neither dispossessed Octavianus nor Tiberius of their empire, nor Herod of the sovereignty of Judea, nor Pilate of the Pretorium, wished earnestly to impress on the minds of all who desire to walk in his footsteps, and to whom is committed the government of the church and the care of souls, this admonition, that they should by no means interfere with the concerns of the earth; and that his disciples should not think it justifiable in them, or that it would be allowed in them to exercise an authority which their master

formally disclaimed, and always refused to exercise; for the disciple is not above his master, nor the servant greater than his lord. It is, moreover, most certain and indisputable, that these examples and precepts apply with equal force to the infant days of the christian church, to the subsequent ages of persecutions, and to the period after peace was restored to it, and it arrived to the attainment of great strength and riches; unless it be admitted, that we are to degenerate from the sentiments of those true followers of Christ in the first ages, who, with incredible fidelity, continued to hold allegiance to Nero, Trajan, Dioclesian, and other most inhuman emperors, who harassed the christian republic with insatiable cruelty. As early as the second century, if credit can be given to Tertullian, in his Apology, the christians abounded in every quarter of the Roman empire; they filled the cities, the fortresses, the islands, the very camps, the palace, the senate, the forum, and had left to the pagans the exclusive possession of only their idolatrous temples: and nevertheless, we no where find, that in the cause of religion they ever endeavoured to throw off the yoke of allegiance to any emperors. These are facts which no rational man can call in question. But if they were even fictions, it surely cannot be said, that Christ had enjoined us meekness, patience, and forbearance, as only suitable to a state of imbecility and impotence, but had commanded us on the increase of our strength, no longer to practise submission, but fiercely to resist the civil powers, and to dethrone or imprison, or reduce to the condition of private citizens, those very princes who are constituted by the Lord, and to whom we are bound to be subject and obedient, not only for wrath, but also for conscience sake. It were impious to assert, that the apostles and Christ himself, in giving us such forcible precepts and striking examples of obedience and patience, only yielded to the

exigencies and circumstances of the times, but did not establish a fixed and permanent law, which, in all the course and fluctuation of future ages, should never be annulled. Therefore, since the rights of the kings of England, whether they persecute or tolerate catholics, are founded on the same principles with those of all other sovereign princes under heaven, we are firmly of opinion, that neither the Roman pontiff, nor the cardinals of the holy Roman church, nor any council, nor any individual in the catholic church, by virtue of their communion with that church, has any civil authority, power, jurisdiction, or pre-eminence, in the kingdom of Great Britain.

*Question the second.*

CAN the Roman pontiff, the cardinals of the holy Roman church, any council or individual of the catholic church, absolve the subjects of His Britannic Majesty from their oath of allegiance, or dispense with its obligations?

*Answer.*

THE solution of this second difficulty spontaneously arises from the principles laid down in the foregoing answer. We have no inclination to spend our time here in exposing the emptiness of the visions rather than reasons of some persons, who have asserted, that by the coming of Christ all earthly thrones were subverted, and that, after the establishment of the papal dignity, both the temporal and spiritual sword was put into the hands of the bishop of Rome, that all kings are only his vicegerents, and their dominion is so completely transferred to him, that he can of right depose even idolatrous princes, and confer their domains on any of the faithful at his pleasure. This absurdity, which we cannot think of without the utmost astonish-

ment, has been defended by a very few individuals, but by the body of divines and canonists, it is universally exploded and completely refuted. It is certain, that Christ never possessed, neither by inheritance nor by delegated power from God, nor by any other means, any temporal dignity which he could transmit to Peter, to his successors, and the other bishops; and from the idea that he bequeathed such dignity, this monstrous consequence would follow, that the pope is by divine right supreme lord over all the earth, that the bishops are the princes of their cities and districts, that kings are not really kings, that they are not illustrated by native and inherent majesty, but a precarious adventitious dignity, derived to them from the christian prelates.

We cannot, however, think of dissembling, by passing over in silence a fact, to which several publications, now extant, and the annals of the church, bear testimony, viz. That some christian divines and canonists have persuaded themselves, that all temporal concerns were subordinate to the spiritual, and were to be referred to them as to their ultimate end; that he who has power over the end, must have power over the means also, and a right to command whatever is conducive to the end, and a right to remove whatever might oppose its attainment; that, consequently, on account of apostacy, heresy, or any grievous crime which brings mischief on the church, or is detrimental to the salvation of the faithful; kings might be cut off from the communion of christians, and that this being done, they were so divested of all power and dignity, that no one could conscientiously have with them any sort of intercourse.

But heaven forbid, that any christian people should imbibe an opinion so fatal to kingly government; far be it from them to embrace an opinion unknown to all



antiquity, for which there is not any solid foundation in the sacred writings, and which, at all times, and in every place where it has been suffered to prevail, has been the execrable parent of wars and civil discords. If such an arrangement had been suitable and useful to the church which Christ came to establish on earth, without doubt, he would have settled a matter of such importance with particular attention; and the very novelty of a doctrine in religious concerns, is ever a certain argument of its falsehood. The votaries to this opinion have no other principles on which to rest their cause, but either certain allegories, which, though they may confirm a doctrine already established, of themselves can afford no evidence of truth, or distorted passages of scripture, or far-fetched inferences, or facts and precedents, which, it were to be wished, the christian church had never heard of, as they are all in direct opposition to other facts and precedents of high antiquity. From the eleventh century to the present, the bishops of Rome have sometimes endeavoured to anathematize kingdoms, and to depose princes from their sovereign dominion; but vain have been their efforts in almost every instance, perhaps by the particular disposition of the Divine Providence, that experience itself might convince mankind, that the christian republic is not to be defended by a military force; and the sheep of Christ are not to be fed in pastures obtained for them by wars and civil contests; are not to be composed into order by the clangor of arms, but by counsels, exhortations, the preaching of the divine word, and other such means recommended by our lord to the pastors of the church. That kings, as well as the faithful of inferior rank, are so far subject to the power of the bishops, that by them they may be separated from the church, and delivered to Satan if their crimes provoke such severity, is a truth which must not be called

in question; although it would perhaps be more expedient and more discreet, never to apply such desperate remedies to the wounds of those who are invested with sovereign power. But princes, even when thus excommunicated, possess the same authority, the same right to govern as when they participated the sacred rites; and their subjects are bound to pay them equal homage, submission, and obedience, unless their orders be evidently unjust, or unless they insist that their subjects shall join them in the guilt, for which they are deprived of ecclesiastical communion; for in that case, we must never lose sight of the divine admonition, God is to be obeyed rather than man. This is the system established by Christ Jesus, and confirmed by the writings and examples of our forefathers. They are, indeed, deluded, who picture to themselves any form of a christian republic, which differs in the least degree from that which has been framed by our great lawgiver; and he must be little conversant in sacred literature and ecclesiastical history, who is yet to be informed, that the church will ever be tossed about amongst rocks and shelves; that it is necessary that heresies should exist in it, that it has ever flourished amidst clouds and storms, never enjoyed a complete tranquillity and peace, nor will enjoy it till settled in the heavenly paradise.

That the christian republic would not be perfect nor independent in its operations, unless all temporal rights were subordinate to the spiritual, and unless excommunicated princes were deposed, and their subjects absolved from their allegiance, is a pretence which receives no countenance either from the gospel, or from the antient practice of the christian church. In its very origin, Peter making no mention of a doctrine of such weighty consequence as that would be, commands the faithful to pay obedience and reverence to kings and governors; and Paul will have every soul subject to the higher powers, and declares, that he who resists

the powers resists the ordinance of God; and christians in the succeeding ages endured hunger, thirst, exile, and every extreme calamity, rather than depart from their allegiance to Julian, Constantius, Valens, and other Roman emperors, who were heretics, and protectors of heresy. But some divines and canonists, having their minds filled with magnificent ideas from beholding the present pomp, riches, and power of the church, have forgotten its former state of subjection, poverty, obedience, and misery. Therefore, the republic of Christ is perfect and completely independent, not because it can remove every obstacle to the salvation of man; for it cannot soften obdurate sinners to repentance, nor entirely take away the occasions of sin, nor avoid heresies and schisms, nor a variety of other things which are detrimental to its subjects: but it is independent and perfect, because it has received power from God to conduct men to eternal life, and likewise the means of accomplishing its object; but then these means are of the same nature and kind with the end proposed, viz. spiritual, not temporal means, which, we are decidedly of opinion, our Redeemer never thought of employing. Seeing therefore that the oath of allegiance, which binds subjects to their princes, refers to temporal rights only, and may be, and frequently is, imposed equally on believers and unbelievers; and since the popes, when they have granted to any subjects a dispensation from it, have always aimed at depriving their rulers of their dominion, which, as we have demonstrated, cannot be done without a violation of civil and natural right, we without any hesitation declare, that neither the Roman pontiff, nor the cardinals of the holy Roman church, nor any council, nor individual of the catholic church, can absolve the subjects of His Britannic Majesty from their oath of allegiance, or dispense with its obligations.

*Question the third.*

AMONG the articles of the catholic faith, is there any which teaches that catholics are not bound to keep faith with heretics, or persons of any other description, who dissent from them in matters of religion?

*Answer.*

So far are we from admitting, as an article of our religious creed, any tenet which authorizes breach of faith to persons of a different persuasion, that we know we are frequently admonished by St. Paul, as much as it is possible, to have peace and charity with all men. The natural rights of men were not intended to be abridged by the law and doctrine of Christ, but to be confirmed and illustrated. Now nothing is more clearly engraven on the minds of men by the law of nature, than this principle, That all men, however discordant their religious tenets, are, to every intent and purpose, in a state of equality with respect to negotiations, alliances, and compacts. The Spaniards, who, in point of zeal for the defence and support of the catholic faith, will yield to no nation under heaven, have entered into contracts relating both to commerce and to the establishment of peace with the English themselves, and with other Calvinist or Lutheran states; and it would be an atrocious injury and a vile calumny, to assert that such contracts have at any time been violated under pretence of religion. Moreover, our late most religious prince Charles the third, of blessed memory, whose death can never be sufficiently lamented, made treaties of peace and perpetual alliances not only with heretics but with the Africans, and with the Turks themselves, who with wild fanaticism, venerate the dreams and ravings of Mahomet as revelations from heaven, as soon as he found them disposed to lay aside, or at least to soften, their innate ferocity and inveterate hatred of



the christian name. That wise prince, the loving father of his people, and strenuous defender of the church of Christ, did not act thus in consequence of any recent institution, not in conformity to the temper of this age, but moved by the antient spirit of genuine piety, and the very nature and genius of the christian religion. Because we are catholics, it is not necessary that we should be actuated by a persecuting spirit against those who are adverse to our religion; meekness and charity, its great characteristics, and the example left us by our forefathers, recommend to us a contrary conduct. For it is an incontestable fact, that many most holy bishops, in antient times, sold the sacred vessels and ornaments of the church, that they might redeem men of all denominations, whether pagans or christians, from captivity and slavery; so far were those venerable men from teaching, that faith was not to be kept by them in compacts and other civil negotiations.

A distinction must always be made between the civil and the religious toleration of heretics, a distinction which is frequently not attended to by some ignorant revilers of the catholic church. Undoubtedly those who, grounded on certain and immovable principles, are persuaded that theirs is the only true church of Christ; that the doctrines defined by their pastors are so infallibly certain, that they are bound, when circumstances require it, to spill their blood in their defence; that every man, who obstinately rejects one article loses his faith, and becomes guilty of all, can never hold ecclesiastical communion nor religious concord with men of any other sort of persuasion. But it is far otherwise with respect to communion with heretics, and other enemies of the catholic faith, in civil transactions; for if we except the first natural duties, by which every man is bound to his fellow man, in other matters we are at liberty either to unite with them or separate from them, as shall appear most conducive to our own interests. In

Spain, indeed, for these three hundred years past, no one is permitted to hold any military office, nor to enjoy a perpetual settlement, who is considered as an avowed enemy to the catholic church; because our princes have thought it more eligible to forego certain advantages, which might perhaps be derived from commercial intercourse with men of different persuasions, or from their improvements in the arts, than either to endanger the faith of their subjects, or expose their empire to frequent broils and contentions about the doctrines of religion. But it never was the doctrine of the catholic church, nor was it ever believed by us to be her doctrine, that faith was not to be kept with the enemies of the church, whatever may be their denomination; therefore, among the articles of the catholic faith, there is none which teaches that catholics are not bound to keep faith with heretics, or with persons of any other description, who dissent from them in matters of religion.

Given in the university of Salamanca, in the year of our Lord one thousand seven hundred and eighty-nine.

Signed in the name of the whole University, by the Rector and the six deputed Members.

(Signed by the Rector, the Regius and Public Professors of Theology, the Professors of Canon, Ecclesiastical and Civil Law, and the Greek Professor; and countersigned by order of the University, by its Secretary.)

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END OF VOL. I.

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